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HISTORY  
OF THE  
EIGHTEENTH CENTURY

AND OF THE  
NINETEENTH  
TILL THE OVERTHROW OF THE FRENCH EMPIRE.  
WITH PARTICULAR REFERENCE TO  
MENTAL CULTIVATION AND PROGRESS.

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# HISTORY

## OF THE EIGHTEENTH CENTURY.

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### CHAPTER IV. (CONTINUED).

GERMANY.—JOSEPH II. AND FREDERICK II. TILL THE ALLIANCE OF THE GERMAN PRINCES.—BAVARIA AND THE JESUITS.

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#### § III.

POLITICAL HISTORY.—FREDERICK II. AND THE EMPEROR JOSEPH II. TILL THE ALLIANCE OF THE GERMAN PRINCES.

BEFORE we pass on to notice those proceedings on the part of Joseph II. which suddenly made the king of Prussia the guardian and champion of an empire and constitution which he had always treated with contempt, we must first call attention to the severity to which his government in late years was often obliged to resort ; because the nature of a military constitution did not allow him to consult his people, nor to propose to them freely to tax themselves, for the promotion of the honourable and just objects of his wise administration. When referring to Frederick's contempt for the German empire and its constitution, we do not allude to the merited, but bitter and almost jacobinically scornful language which Frederick was accustomed to pour out against its miserable constitution, the princes, the Hanoverian aristocracy and the petty sovereigns, but the manner

in which he exhausted Saxony and Franconia by contributions in the seven years' war, treated Mecklenburg as a conquered province, and even carried away the cannon from Nuremberg. We unwillingly mention his severe measures of internal administration, and for this single reason; that it appears from the example of Frederick as well as from that of Napoleon, that even the greatest ruler, when he blindly follows his own will, considers the people only as a herd, and himself as a shepherd appointed by God, must necessarily have recourse to measures which are calculated to counteract his own objects. It can only be conceived how ruinous for the German nation such examples of severity were as those to which Frederick had recourse in the regulation of his finances, and to her innumerable petty tyrants, when we remember that he was a wise and benevolent king, who, in spite of all French appearances, was a true and genuine German, and almost the only one of his time, and when it is known that in Germany at that time right was everywhere subject to might.

In connexion with a notice of Frederick's financial measures, and of those of his police and administration to which they led, we regard it as necessary and useful to relate a number of anecdotes, from which it will be seen how melancholy the prospects of all those were who did not belong to the privileged classes in the last quarter of the eighteenth century, with respect to law and justice, security against injuries and freedom. Whatever Frederick did, he did for the sake of the state, and for judicious reasons, because he himself was a judicious man; but in other courts every favoured priest, mistress or paramour might take the liberty of doing similar things, and this really occurred too often. By these means German life and thought were compressed into such narrow limits, that all the public officials were made at the same time despotic and servile, as all of us who have lived in those times have seen and known them to be. The salaries of the public officers were miserably inadequate, whilst the court festivities and pleasures of the nobility were paid for by impositions, the mode of whose exaction rendered life and intercourse intolerable. Before we proceed to speak of the expenditure of the paternal police, which took the eating and drinking of the obedient Germans under its supervision, we shall make it obvious, by a single example selected from Münster, that even the high nobility which was most influential did not



find protection from the miserable empire and its pedantic tribunals against the gross ill-treatment of ministers and their military officials. We select Münster expressly, because the minister Von Fürstenberg in other respects gained for himself immortal renown in that province, and the elector Maximilian Frederick of Cologne and Münster was certainly no tyrant.

The following anecdote is the more remarkable, in consequence of Frederick the Great's being the person who, on this occasion, vigorously took up the cause of the fair administration of justice, which was like to make shipwreck in the case of an insignificant count of the empire. In Schlözer's Correspondence and Political Notices, we unhappily find other horrible examples of the manner in which the courts in Cologne and Münster were accustomed to act in the years 1770-1774, or to remain wholly inactive\*. What we are about to relate affects the highest military authorities and the elector himself. An admirable system of militia, disciplined by strict military rules, and which, as Fürstenberg clearly perceived, would have been highly beneficial in all the German states, was not only introduced into Münster, but a regular army was also recruited after the Prussian fashion. At the head of this army there was placed a count von Lippe-Schaumburg (not the Portuguese one), who allowed himself to indulge in such things whilst recruiting in Münster, or at least suffered them in others, as excited universal dislike. Some of these were afterwards made public in Schlözer's political journal, by Freiherr von Münster-Landegge, without however mentioning the names of the actors. The name of the writer became known in Münster; Schaumburg was a privy councillor of Cologne and a member of the order of knights, but universally known as a man of vehemence and pride; it will therefore be readily conceived, by all those especially who know how indignant every German who has a title or order is even now accustomed to be, when what he pursues in private is publicly announced, how deeply the illustrious count must have felt himself aggrieved. He hunted his officers upon the baron, who on their part, relying on their commander, insulted Landegge wherever he appeared in Münster in the rudest and most offensive manner; the latter appealed in vain for aid and protection to the authorities and to the court; even the elector took no notice of his complaints, and he therefore at length resolved to take a journey to Bonn, to seek satis-

\* See Schlözer's Correspondence, No. 53, pp. 303-330.

faction from the elector in person. The count thereupon had recourse to an action, which, either in England or France, would now draw down the punishment of transportation for life or the galleys on its originator and his accomplices, without respect of persons. In the then state of the German empire the baron would have sought for justice in vain, had not Frederick dictatorially enforced the forms of the empire, and set bounds to the evasions of its jurists. On his journey to Bonn the baron was passing the night in the Prussian post-house in Burbaum; some officers sent by the count, under the orders of major Colson, one of his favourites, and accompanied by their grooms, forced their way into the baron's chamber, and assailed him with their swords and whips till he sunk fainting in his blood; and when he recovered they compelled him to sign a disgraceful certificate respecting the treatment which he had suffered. Neither the elector of Cologne nor any of his courts paid the slightest attention to the baron's complaints; the decisions of the imperial tribunals were either not delivered or rendered entirely inefficacious by the chicanery of appeals supported by the government, till Frederick II., as director of the circle of Westphalia, and as imperial protector of the public peace which had been violated, and owner of the post-house in Burbaum, insisted upon a suitable punishment being inflicted on the offenders, or threatened to enforce it himself. Then at length the count was fined in a sum of 10,000 florins, and the officers were sentenced to be cashiered.

With respect to Frederick's financial measures, Mirabeau and Mauvillon have attached the severest blame to everything which he decreed or undertook; whilst on the other hand, Beguelin, Herzberg, Dohm, and even the miserable Zimmerman, have, like the most recent panegyrists of the king, brought forward only the advantages of his measures, as the others did the disadvantages alone. We shall not pronounce a general judgement, but refer to particular cases, from which it will appear that Frederick, like Napoleon, from a feeling of his own superiority and a misapprehension of his monarchical rights, fell into the hands of people who were unworthy of him. He wished only for instruments, and retained the whole guidance of the great machine in his own hand, and therefore he often selected, not those who gave him the best advice, but those who best understood and most readily executed his will. Judging from the point of view

of our times, we must form a different opinion respecting Frederick's benefits and liberality from that expressed by his contemporaries and admirers. We can acknowledge the justice of his admirable views without regarding him as infallible, and lament that he should have habitually kept only one class of his subjects in his eye.

In the distribution of his favours after the seven years' war, Frederick acted according to his views of the nobility and their importance for the state; a consultation with some of the most distinguished and enlightened of the citizens of his kingdom would have taught him, that since the times of his childhood the nobility had been continually sinking and the citizens rising in the scale of importance, and that trade and commerce were not to be promoted by royal undertakings, but by capital, which he allowed to flow exclusively into the hands of the nobility. This appears from the contrast between those restrictions, which shall be hereafter referred to, imposed upon the trade and industry of the poorer classes, by means of excise, tolls, and French toll-collectors, and the favours shown, not only to the high nobility who were landowners, but to those who were poor themselves and impoverished others. In order to select a man who judged most favourably of Frederick, we shall introduce the words of Zimmerman, who undertook the king's defence against Mauvillon's accusations. Zimmerman, it is true, brought with him from Berne and Hanover very different ideas of nobility from those which would be cherished by an unprejudiced writer of our times. He states, "that after the seven years' war the king made a present of 300,000 dollars to the Silesian nobility, aided the well-known loan and credit bank by an addition of 200,000, and thereby *rescued four hundred noble families in Silesia*. He even paid the debts," continues Zimmerman, "of such nobles as had been rendered unable to meet the demands upon them, in consequence of their misfortunes. At the same time he gave the Pomeranian nobility 500,000 dollars for the payment of their debts, and 500,000 more for the restoration of their estates. Subsequently these same nobles received above 300,000 dollars yearly for the improvement of their properties. The same course was followed in the New Mark and different other provinces." He continues: "Very considerable sums were applied to every estate, according to its capacities for improvement. . . . This capital was all sunk in the hands of the nobles, without any pos-

sibility of repayment; but he required in all cases an interest of one per cent., and in cases of great profits, of *two*\*.”

This may be regarded indeed as a system of favouritism extended to agriculture and to those classes which, like the monarch, must place their trust on landed estate, and may be defended by the example of the corn-laws in England, which rest precisely upon the same principle; but that is not the question here to be discussed. We hold fast by the single fact, that the masses were heavily taxed and the proceeds of these taxes presented to a single class of the citizens of the state. It is less remarkable that Frederick only selected nobles for ministers and presidents of the colleges, because there were then prevailing prepossessions among the people in favour of the noble-born, which have been entirely dissipated since the revolution. He paid very small salaries, kept no court at which the nobility might have been able to seek after those honours which they eagerly coveted, and contribute to increase the splendour of the monarchy at the cost of the nation. It was reserved therefore for the high officers of state to make displays at their own cost, and not, as is now everywhere the case, at that of the state; because the king *would* not, and, as a truly *great* man, could not do it: it was different with the officers' commissions. It was not indeed settled by law in Prussia, more than in France under the old *régime*, that nobles alone should hold commissions in the army, but the whole constitution of the service was of such a sort, that even those citizens who had faithfully served the king from enthusiasm in the seven years' war, thought it advisable at its conclusion to withdraw from the service. This may be learned from Scheffler's Autobiography, although this friend of Hippel, who was, like Hippel himself, a purely practical and blind adorer of the king, was by much too cautious honestly to announce the proper reason for his retirement.

Because the king, with Voltaire, who, in spite of his sansculottism, repeatedly spoke with contempt of the lower classes, attached very little importance to the body of the people and to the training necessary for its well-being, he did much more for the education of the nobility than for the schools of the people, whose instruction however is quite as important for the industry and

\* Büsching, in Part 5 of his 'Contributions,' &c., p. 207, states that the whole of the sums thus apportioned by Frederick in the various provinces amounted in all to 24,399,838 dollars.



prosperity of a nation as the wealth of the landowners is for agriculture. The council of education, according to Büsching, who was a member of the body, used every possible means to abolish the continual use of the cane, and to prevent non-commissioned officers addicted to brandy, or incapable invalids, from being appointed to the office of teachers in the higher and lower schools; the king however insisted that his invalids should be provided for, and they were to be found therefore almost universally filling the office of village-schoolmasters. The king himself was aware that the village schools were bad, for on another occasion he requested a supply of Saxon schoolmasters, and actually removed a number of them to Pomerania. What however is more melancholy than all, is, that in order to support a military school for nobles, he suffered recourse to be had to lotteries, which, as is well known, are as ruinous to the morals of the poorest classes of the people as brandy-drinking. In the spirit of St. Crispin, he appropriated the proceeds of the delusive lottery institution to the use of the military school, that is, to an institution for nobles. In the same way, one portion of the public school-house in Potsdam was appropriated to the king's (noble) pages; new knightly academies were also erected, and the corps of cadets greatly increased. All this was closely connected with the principle of hereditary privileges, which at that time, both in Germany and France, every king, as well as the most petty prince, count and baron, sucked in with his mother's milk. The same French principle also guided the king in all his measures of finance, by which, at the close of his life, he fettered every free movement of the citizens of the state.

We must bring this point conspicuously forward, in reference to the impression which the new ideas upon citizens and bodies politic then emanating from England and North America made in Germany, when the morning of political freedom began to dawn among us. It is particularly remarkable, as illustrative of the German people and their enduring obedience, that Frederick and his imitators dared to introduce a system of indirect taxation at the very time in which forebodings of a revolution were giving manifold signs of coming events and disturbances were beginning in France, arising out of such a system, by which the French were driven to rebellion and despair. The king lightened the burthens of the small landowners after the war; restrictions were placed upon industry and trade, and the poor were scarcely able to secure the smallest enjoyments. How zealously

did not all our small states, in which arbitrary dominion and the cane and beadle of the magistrate restricted every movement of the citizen, hasten to imitate the example of Frederick! Although they did not, like him, make monopolies of salt, coffee, tobacco and other necessities of life, in order to wring the money from the poor, they were nevertheless highly pleased with the king's invention, to torment and harass their subjects by means of paternal and patriarchal police. The means which Frederick and other blood-sucking princes who imitated his example adopted, show us how much progress has been made among us since that time; for now there are at least here and there meetings of estates which occasionally venture to protest, whilst at that time in Germany not even an assembly of jurists, like the parliaments in France, durst raise its voice against the oppression of the people. Salt in Prussia constituted a royal monopoly; in every parish citizens and peasants were compelled by royal ordinance (for of laws Prussia knew and knows nothing) to buy a certain weight of salt yearly from the royal magazines, the quantity being determined by the population, at the rate of three quarts per head for every adult. It will be obvious that this monopoly afforded the miserably ill-paid upper and under officers of the king abundant opportunity for practising the most shameful impositions upon the poor, by selling them moist salt, which they actually did. Frenchmen were employed to insult and harass the easy Germans, for Frederick consulted them alone in introducing this new excise regulation, and engaged them afterwards for its collection. These people, whom he paid well, whilst he kept his German officials, teachers and officers on the meanest allowance, belonged to that description of tax-collectors who are distinguished by the French name (*traitans*), synonymous with our German word (*Schelm*) knave. These were the men whose employment Turgot wished to abolish, in order to prevent a revolution. These were the men who, as collectors of the *droits réunis*, made Buonaparte hated. Frederick consulted a French farmer-general as his oracle on the first institution of his oppressive financial schemes, and unconditionally followed his advice. This great authority was the physician Helvetius, whom Frederick received as his friend in Sans Souci when he wished to put his people in the power of these French blood-suckers, and who has raised the egotism of the polite and fashionable world to the rank of a philosophical science. Helvetius, who with the blood and sweat of Frenchmen, was accustomed



to entertain with royal splendour all the German princes and people of high life who came to Paris, was moreover regarded as a good and honourable man, because he had never committed any great crimes, and was besides kind and sometimes beneficent with his superfluity. The king therefore availed himself of his advice and services, in order to negotiate with the whole craft of extortioners to which he belonged (farmers-general). This negotiation failed, and poor Prussia did not fall into the hands of farmers-general, but into those of Frenchmen however. Helvetius or some other, for the point is not worth inquiry, recommended five Frenchmen to the king, to bring his people under this new yoke. Of these, four only remained, who afterwards, at the head of a considerable number of their countrymen of the lower classes, carried on their excise dominion against the poor Germans with the greatest insolence. We may however be very brief on this important point, because Dohm, as a diplomatist and man of business (vol. iv. p. 489), has treated the whole question in detail.

A department of the administration in some measure independent and clothed with fearful power was formed by these four Frenchmen, under the denomination of "The General Toll and Excise Board." The directors, in addition to other accessory benefits, which were almost equal to their salary, received a stated allowance (60,000 dollars among them), which was triple the salary of a Prussian minister of state. In this department Germans could only fill the lowest places, and they were treated in the most shameful manner by the class of low Frenchmen (the *maltotiers*) to whom the detail of the administration was entrusted: an account of the way in which these men conducted themselves may be seen in the 'Life of Hamann.' If we even reckon the very smallest number of these greedy Frenchmen who were allured to Prussia, it must have amounted to more than 500. This is the number given by Beguelin and Dohm, and is probably too small; Zimmerman in his miserable book appeals to the authority of the minister Von der Horst, who as minister of finance, was at the head of the toll and excise department from 1766-1774, and gives the number at 3000; Thiébaud magnifies it even to 5000; Mirabeau and Mauvillon regard 1500 as nearest the truth. This imposition of duties on the prime necessities of life made the smallest tax the most oppressive but at the same time the most productive, because no one could escape

its payment. This was manifestly opposed to the spirit of the age and to its progress, and even contrary to sound financial science. This excise besides gave rise to a species of administration which was altogether unworthy of the king, who in the disgraceful prosecution against Müller Arnold placed his own understanding in opposition to both the law and the courts.

Special tribunals were established for the decision of all cases affecting taxes and smuggling; very singular penalties were annexed to violations of the laws, and these were strictly enforced; whilst, to crown the whole, informers were stimulated to exertion by high rewards. Searches were made not only at all points of the frontiers and the gates of every town, but no man was secure in his own house, and every one was liable to be called upon at any minute under heavy penalties to prove that every article in use in his house had paid the legal tax. Every man was obliged to submit, whenever it pleased an insolent Frenchman by night or by day to force himself into his house, with his brutal attendants, and to search his rooms, cellars, chests and cupboards, as if he were a notorious thief or receiver of stolen goods. Were we to enter into particulars which do not lie within the range of our object, it would appear that in the last years of his life, Frederick, like Buonaparte, made an irresponsible abuse of the idolatry which the people, who know only extremes, offered to him. Circumstances contributed to facilitate this course in the time *before* the revolution. This event however annihilated the faith of the people in the infallibility of their rulers and ministers, and put an end to the servility of dependents, who ventured even to publish the most incredible and audacious absurdities in the public papers. We shall give a specimen of their style and manner in a note, in the declaration of Professor Leidenfrost on the subject of the prohibition of coffee\*.

\* We shall give this passage, because there appears again to be a tendency in some quarters to introduce and give effect to that singular principle, according to which princes, who only interest themselves about hunting and soldiers, or occupy their time with as many things as Frederick II., are said to be the best judges on subjects connected with domestic life. "It is besides not so easy," says the writer, "to form a just estimate between this apparently great loss (it was said that 700,000 dollars had been drawn out of Prussia for coffee) and the advantages which may again be expected to accrue to the country from the bloom of commerce: I believe indeed that for a private person, however expert a calculator and book-keeper he may be, this is not possible, but that it lies within the capacity of the most enlightened and exalted rulers alone, into whom *the fullness of all the knowledge of the whole country and of all wisdom flows together as from many streams.*"

There were many others besides the French who took advantage of the cagerness of the aged king to amass treasure, although he might have learned from inquiry and even from his own observation, (for he was an admirable judge of men) that the more money he collected, the more was dissipated by his weak nephews. A certain Charles Gottlieb Guichard (called Quintus Icilius), who might have been a very good royal companion, or useful as a tactician, but was in no respect fitted for a political economist, put the king into the hands of a set of sharpers from whom he only withdrew when it was too late. Guichard suggested to Frederick the idea of founding a bank, and for that purpose Wurmb and Cossel were invited to come from Hamburg to Berlin. These men, supported by the king, entered into a variety of very equivocal operations, which we cannot here stop to detail. We must however, in a few words, give a more particular account of another unprincipled speculator named Calzabigi, who was also recommended to his notice. Calzabigi induced the king to permit him to establish a lottery, which he himself was to farm, and by means of which he might beguile the poor of their money, on condition that for every drawing of this ruinous game he was to pay a thousand dollars,—in all some 18,000 dollars,—to the noble school (*école militaire*) which was favoured and patronized by the king.

The same rapacious and unprincipled usurer contrived to secure a portion of the monopoly of tobacco, in connexion with Rubaux, a Frenchman whom the king afterwards removed, and he was nearly successful in having the infamous Bolza appointed farmer-general of excise. It appears that, like Buonaparte, Frederick had need of his Seguins, Ouvrards and Company. The sale of wood in Berlin was a monopoly, coffee-roasting a crime. This coffee persecution is deserving of further notice, because Frederick's example was universally imitated, in order that the money spent upon coffee might be kept in the country and flow in for the support of the native institutions of lottos and lotteries. Frederick was kind and ingenuous enough on this occasion to say, that his principle was to treat the whole of his people like a sick child, and to prescribe for them what they should eat and drink. He said, "*That he himself in his youth had eaten beer-soup; that the poor people also should now do the same, and then the money would no longer flow out of the country.*"

Frederick's patriarchal and despotic conduct might be excused by comparing it with the example given by the estate of the peasants in Sweden and the oligarchical government of Hanover. In Sweden the higher estates had by law diminished the enjoyment of brandy to the peasantry; the peasants therefore were desirous of avenging themselves by insisting upon the prohibition of coffee, which, as an article of luxury, had not yet reached their tables. In this way, observes Schlözer, occurred the first prohibition of coffee in Europe; it was originated and carried through by the representatives of the peasant class in Sweden. In Hanover the government acted upon the principle, which Frederick also acknowledged, that the peasants and citizens were really appointed by nature to collect money, in order that those who were favoured by God and the state might require it of them according as circumstances might require, but that this supply could not be maintained if they were allowed to send their money into foreign countries, to purchase wares for their pleasure and enjoyment. The noble Hanoverian oligarchs, of whom the government consisted, by means of a cabinet order dated October 24, 1780, issued a decree affecting the principalities of Calenberg, Göttingen, Grubenhagen and Lüneburg, with the lordships of Hoya and Diepholz, which is extremely characteristic of the time and government. They decreed that the *peasants* should no longer drink coffee\*. This ordinance, or at least some parts of it, prove that Frederick was still far from being so intent on depriving the humbler classes of all possible enjoyment, as the Hanoverian nobles†. He allowed the peasant

\* The decree states, "That by and with the advice of the feudal estates, (for this is the meaning of the phrase, *faithful estates of the land*) all trade in coffee, roasted as well as unroasted or ground, is strictly forbidden in the principalities of Calenberg, Göttingen, Grubenhagen and Lüneburg, and in the lordships of Hoya and Diepholz, in villages, single houses, inns and other places of entertainment; and at the same time all barter, exchange or other dealing, in whatever name or whatever way it may have been hitherto carried on, is wholly abolished, and every concession or specialiter license is hereby withdrawn and annulled."

† In the above ordinance, the sale of coffee having been prohibited in all cities and towns in quantities less than a pound, it proceeds to state, *quod incredibile relatu*, "That whosoever, in any of these cases, does not produce the amount of the fine, shall be without distinction subjected to a *proportional imprisonment or other corporal punishment*. The one half of the fine shall belong to the magistrate before whom the offender is brought, and the other to the informer who convicts such an offender. In those cases in which the coffee is seized, the informer in like manner shall receive one half; and when it is seized *in natura*, viz. the coffee itself, the other half shall go to the magistrate."



his coffee, but merely laid claim to the roasting and the sale of the roasted article as a monopoly, and he was even so kind and condescending in the affair as to give a full and complete account of the reasons of his conduct, which are indeed singular enough. Some of the grocers in Berlin made representations against the restrictions which were imposed by the king on the trade in coffee\*, and he assigned his reasons at length. According to the decrees of the Hanoverian government, of the landgrave of Hesse, the bishop of Hildesheim, and according to the mode of collecting the tax in Prussia, coffee became a prohibited article to all persons, except families of wealth. The happiness and enjoyment of the poor old women of North Germany, the brown water which they dignified with the name of coffee, and of which they partook with their bread and butter, were all to disappear! In Prussia any person who bought twenty pounds of coffee might obtain a license for roasting; but all others were obliged to purchase a bad and exorbitantly dear article, or wholly discontinue its use.

In Prussia it formed a sort of office, or at least a branch of industry, to go snuffing about the streets, to endeavour to scent out some indications of coffee-roasting, and whoever could be proved by the smell to have been engaged in roasting and selling coffee, was sent for three years to a fortress. We shall subjoin in a note† a passage from a letter written at that time,

\* These reasons were assigned in a rescript dated Berlin, January 14, 1781. The king, having first detailed the evil consequences, according to his judgment, which resulted from the use of coffee (viz. that 700,000 dollars were carried out of the country and smuggling promoted), concludes: "These two daily increasing evils, arising from an unrestricted use of coffee, are the only reasons by which his majesty is influenced not to depart from his determination; and he is of opinion, that there are abundance of other articles in which shopkeepers and traders can deal with greater advantage to themselves and the public than in this *fraudulent trade*. They can replace it by the sale of mutton, veal, pork and other meat, as well as by that of spices, butter, eggs, which are brought from the provinces of the kingdom; and thus, by renouncing the trade in coffee, may deal in a manner much more advantageous to their country."

† We shall quote the passage, that it may be seen what feelings were entertained upon the subject at that time: "On this account scenters are to wander about the streets day and night, and wherever they find by the smell that coffee has been roasted, they are to demand the license. If no license can be produced, then the coffee is seized and the offender punished. But because the whole of the officers of excise are not sufficient to hunt through a large city and the country for three miles round, a number of invalids are to be organized for this service. A part of the confiscated goods is to be given them as a reward, and besides, every such invalid is to receive six dollars a month."

in which the words of the ordinance are correctly given, but at the same time alluded to in a very bitter spirit.

Frederick himself must have been aware of the severity which he exercised towards the people by the adoption of such financial measures, and because he felt he was wrong he became very sensitive on the point. No one was allowed to touch upon the subject, and duke Ferdinand of Brunswick, then governor of Magdeburg, no sooner ventured upon this step than the two heroes of the seven years' war fell into an irreconcilable quarrel, and yet duke Ferdinand, in reply to Frederick's own question, told the king only a small part of the truth! On the occasion of a grand review in Potsdam, at which the duke was invited to come from Magdeburg to be present, the king turned the conversation at dinner to the subject of the excise, and as if he felt somewhat uneasy in his conscience, proceeded to explain to the large party who were at table his reasons in detail. All, as may be well supposed, were silent, completely silent; Frederick was not satisfied; and he was especially desirous of receiving an assenting word from the duke, who he was aware did not approve of the administration of the excise, nor of the persons who were employed in that service. He therefore asked him directly, if he thought him wrong. The duke replied: "*Sire, your subjects perhaps only complain that you have less confidence in them than in the French.*" From this moment they were no longer friends; Frederick, it is true, caused the duke to be invited to dinner the next day, but did not appear himself; and the duke took his leave and went to Brunswick.

The landgrave of Hesse Cassel imitated the king of Prussia, with the exception of employing foreign agents; and he was not so anxious to derive pecuniary resources from the coffee monopoly, as to retain his people's money within the country, without paying any attention to the fact of his depriving the poor citizens and peasants of an innocent enjoyment. An edict was issued in Hildesheim in 1781, which was the revival of one formerly published in 1768, which we notice with a view of showing to what an incredible degree the governments of Germany, great and small, abused the right of legislation, which they had usurped for centuries, to restrict and regulate all the movements of life, even eating and drinking, according to the humours and fancies of a prince or some of his pedants. This ordinance comprised twelve articles, in which not merely roasting and selling coffee



were forbidden, but a penalty was attached even to drinking it. The first article declares: "That every citizen, artisan, peasant, manservant or maidservant, who shall be convicted of drinking coffee, shall be fined in the sum of six *marien-groschen* (eight pence) for every such offence."

The social condition of those times, in which every prince and count of the empire, every one of the magistrates of the imperial cities, who consisted exclusively of members of particular families, and whose number in South Germany was considerable, treated the much-enduring citizens of the empire like soldiers, and usurped almost more than a Prussian autocracy, furnishes an easy explanation of the panic which seized the whole empire on the accession of Joseph II. It is impossible to describe the alarm which was felt, when it was known that a young and enlightened emperor, wholly opposed to the aristocratic usages which had hitherto been traditionary in the Austrian states, was desirous of asserting and maintaining his monarchical pre-eminence in the Germanic empire. On this occasion the people were less alarmed than the princes, because the emperor showed an inclination to employ the miserable remnant of the imperial dignity which yet remained for the reformation of abuses, and first of all to effect an improved administration of justice in the empire.

In 1764, Joseph II. was at length generally acknowledged and crowned as king of the Romans, and as early as 1765 he succeeded his father, Francis I., upon the imperial throne. It is said that Maria Theresa, who never laid aside her mourning after the death of her husband, was desirous after that event of relinquishing the government of her hereditary states to her son, but that she was prevented by the Austrian aristocracy, and especially by the clergy, through religious scruples, from yielding up the helm to a prince who exhibited so many traces of revolutionary principles as were apparent in her son. Whether she was serious in this we leave undetermined, because, as is well known, she was a complete mistress of the art of dissimulation; it is however certain that she adopted her son as co-regent, but only gave him unconditional control in military affairs. In this department he immediately commenced his reforms, took all possible pains wholly to put an end to the Austrian devotedness to ancient custom, and as emperor of Germany attempted at the same time to entitle himself to the

thanks and gratitude of the whole nation, by the very difficult reform of the two imperial tribunals, which in consequence of the intricate, tedious and interminable chicaneries of their proceedings, favoured by the lawyers, had long become totally unsuitable to the age and its necessities. Unfortunately in this case he had not to do with the nation, but with the governments and their lawyers, with neither of whom anything could be effected when the word of authority was not accompanied by the hand of force. Joseph's natural character, besides, inclined him to obstinacy and impetuosity, and the intricate constitutional forms of the German empire, as well as the fear of a preponderating influence on the part of Austria in the affairs of the empire, placed insurmountable obstructions in his way.

Joseph's efforts for the reformation of the imperial courts can neither be fully explained nor understood, without entering into the labyrinth of what is called German public law; we shall therefore only touch so far upon the subject as is absolutely necessary to understand the reasons for which Joseph, after the failure of his attempts to effect any good as emperor elect, merely availed himself of his imperial office to promote the interests of his own hereditary states and to enlarge and consolidate them at the expense of the empire. The imperial aulic council in Vienna and the supreme court in Wetzlar, as a court of the empire, had, with some exceptions, equal rights of jurisdiction; plaintiffs might choose which they pleased; but in general they avoided the aulic council, partly on account of its distance, and partly because it was dependent on the emperor, and not so completely free in its decisions as the tribunal in Wetzlar, whose members were appointed, not by the emperor, but by the circles. The aulic council, paid by the emperor, and not, like the supreme court, by the empire, should have consisted, according to rule, of a president, vice-president, and sixteen aulic councillors (*reichshofräthen*); protestants also who had complaints to prefer generally shunned this court, because there were only six protestant councillors\* in the court, and none of the estates of the empire

\* There was indeed a protection in the rule, that the majority could carry no decision in cases in which the six protestants were all opposed; but this was quite delusive, for if *only one* of the six did not concur with the rest, the majority again prevailed. No full information respecting the history of imperial or German law is to be expected either from this work or from the author, because he has a very different object in his eye. Information on the point may be found in the third part of Dohm's Memoirs and in the third part of

expected impartiality in any case in which Austria had any interest in exercising an influence upon the decision, although the law required that those who were paid by the emperor should be chosen by him, not from his hereditary states alone, but from the whole empire.

The proceedings before the aulic council, when not accelerated by some particular reasons, were as tedious and as intricate as those of the English Court of Chancery continue to be at the present time, notwithstanding all its improvements. In Vienna and in Wetzlar the whole system of fees and costs and its abuses were ruinous and revolting, as they are still in England, and complaints were constantly made respecting both our courts, of bribery, perversion of justice, and party decisions, which in England is not the case. Joseph wished to deal with this subject as with his military reforms; but he had here to do with jurists, among whom the form is always regarded as of more importance than the essence; and the only minister at his court who was concerned in the administration of the affairs of the empire was not dependent upon him, but on the elector of Mayence. The imperial vice-chancellor in Vienna was appointed by Mayence, and the elector in his appointment paid as little attention to the capacity of the man, as to the judgement of the emperor; so that Joseph's brother Leopold was obliged to submit to the nomination of a person against whom he made the best-founded objections. It was moreover agreed on all hands that the aulic council needed a radical reform, as the English chancellors admit with respect to their court; but Joseph no sooner attempted to effect such a reform than the whole court rose up in arms against him. The whole constitution of the court, its division into a bench of nobles, which for the most part consisted of beardless and ignorant young men, who left all the business to the officers of the court, and a bench of jurists learned in the law, was in the highest degree absurd, for these young and ignorant nobles, who neither knew nor cared for the merits of the cause, had an equal share and voice in its decision with the judges. The bench of lawyers, whose learning and pedantry were truly colossal, suffered under another evil; these jurists, like lord Eldon in En-

Pütter's 'Historical Development of the present Constitution of the German Empire;' Göttingen, 1799. Only incidental and connecting facts are related in the text.

gland, could seldom or ever come to a final conclusion, in consequence of abounding scruples and deep learning in the law. There was besides one circumstance which must have always contributed to make suitors suspicious of the purity and integrity of the aulic council; it was a matter of general observation and experience, that every councillor, however poor he might previously have been, usually left behind him at his death enormous wealth; and the members had no good name for industry. The president appointed thirty agents of the court, who received large fees from the suitors for promoting their respective causes; but notwithstanding, it was generally said that in Wetzlar, where they were in no respect remarkable for diligence, as many causes were heard in one week as in Vienna in six.

Joseph became emperor in August 1765, and as early as April 1766 he made a demand, proceeding immediately from himself, in which he required to be furnished with a report upon a great number of points therein referred to, pointed out the defects of the court, and demanded their reform or abolition. The president, Ferdinand count von Harrach, whom Moser very aptly compares to the president of the imperial court of Pekin, on account of his attachment to forms and usages, circulated the emperor's letter amongst the members of the court; but nothing more resulted from it than references and consultations, which continued till June 1768, because no such circumstance had ever occurred before in Germany as that an emperor should interfere with the craft of the jurists. This may serve as an incidental specimen of the manner in which these gentlemen judged. Before the emperor received an answer to the questions which were contained in his reforming epistle, now printed and published, he attempted in a dictatorial spirit to get rid of some of the most crying abuses, without observing the rigid forms of that great legal machine with which he had to do. This cabinet command, or more properly speaking the note of the emperor, did not rouse the learned jurists from their usual phlegm, but it awakened a spirit of opposition and bitterness against the emperor in the minds of all the friends of ancient and obsolete usages; and Joseph now learned for the first time, that a German emperor, if he pleases, may exhibit all the theatrical pomp attaching to his dignity at his own cost or that of his hereditary states, but is quite incapable of rendering any service. What the emperor actually required will be seen by a reference to the



note itself, which we subjoin\*. The aulic councillors took three months, from October till December, merely to prepare an answer, in which they denied the defamatory accusations and complained of their having been made. It will be obvious that under such circumstances the emperor proved unable to effect any reforms, and things remained precisely as they had been before; we therefore pass over this subject, as our business is only with facts, and leave it to those who are curious in the history of German law to study the continuation of this paper war respecting the attempted improvements in the aulic council, in the innumerable and learned works which have been written on this subject.

The emperor's attempts at reforming the supreme court in Wetzlar seemed at first to promise greater success, because in this case he could not have recourse to his mere monarchical authority, nor issue dictatorial cabinet-commands according to his own judgement or fancy, since he neither nominated nor paid

\* "Dear count von Harrach,—Having learned from general report, as well as from *my own* experience, that various presents or perquisites have been offered, taken, and even demanded in the aulic council, under various pretences, from the highest to the lowest, I hereby command that all and each in particular shall, from the first of November next ensuing, make a regular quarterly return, under his hand and seal, directed to my president, wherein he shall *specifically* set forth in two columns, in one what he has received as legal fees sanctioned by the court, and in the other an account of all presents or gratifications, under whatsoever name they may be called, or under whatsoever pretence received, either by himself or any of his family or servants, as well as of any such as may have been offered to him or his, whether in cash (and in that case the sum to be specified), money's worth, eatables or other perquisites; in a word, of whatever kind it may be, with the express name of the agent or person who may have made such offer, as well as of the reason or pretence on which it has been offered or taken. I will resent in the severest manner and punish, even with dismissal from office, any concealment or violation of this my command in the least respect, without regard to persons, length of service, or any other merits or claims whatsoever. And in order to apply a complete remedy to this evil, every one who offers, takes, or suffers to be taken, and every one who is cognisant of such offering or accepting and does not inform, shall be liable to the same punishment. No *respectus humanus* of inferiors towards their superiors shall be regarded as an excuse for this violation of the principles of justice. No anonymous *denunciations* will be received, but every one must be responsible for the truth of his allegations." Joseph added the following words after his signature with his own hand:—"This note is to be publicly read in the council, and to be dictated so that each member may take a copy." The further correspondence on this point, that is, the answer of the council, the emperor's reply, a new rescript, and Joseph's vehement and indignant note of the 19th of February 1768, may be seen in the fourth part of Gross-Hoffinger's 'History of the Life and Government of Joseph II.,' under the title "Documentary Contribution to the History of the Imperial Aulic Council," pp. 6—18.

the judges. The supreme court ought properly to have consisted of fifty members, but this number was never full, either because the contributions were not paid, or when paid were insufficient. In the seven years' war the number had sunk as low as seventeen, because no more money was to be had for the support of the judges; some remedies therefore must be applied. An improvement in this case was the more easily effected, inasmuch as the emperor Joseph, if he wished to undertake the task, had nothing else to do than resort to the ancient custom—the visitation. This visitation was the name given to a commission to be regularly appointed by the emperor and the empire, whose business was, according to the original plan of the supreme court, to inquire from time to time into such abuses as might have been committed, to decide causes which might have been neglected, or suits which could not be terminated in the usual way. Such a commission for revision was originally appointed every year, and was then called an *ordinary visitation*. These visitations were regularly held from 1556 to 1587; after this period the disputes on the subject of religion crippled the activity of the supreme court, visitations were neglected, and during the thirty years' war everything in Germany was at a stand. The court was not again renewed and re-established till after the peace of Westphalia; but the endless forms and formulas of pedantic law, and the rival privileges and rights of the innumerable members of the German empire, made the renewal of yearly visitations impossible, and it was therefore resolved that an *extraordinary* commission should only be occasionally appointed when the circumstances of the case demanded special interference.

Nothing however resulted from these extraordinary visitations, notwithstanding their numerous consultations and resolves; for the commission which was in existence from 1707–1713, under the very ridiculous title of a *peculiarly extraordinary visitation* (*ganz ausserordentliche Visitation*), never concluded the necessary preparations which it was commissioned to make, with a view finally to carry out what should have been done in 1654, and upon which its members had continued to hold consultations during so many years. The affair rested till an article was introduced into the stipulations connected with the election of the emperor Charles VII., by virtue of which that was really to be carried out in 1742 which had been resolved upon in 1654. No attention could be given to the sub-



ject during the war of the succession, and no serious thoughts of it were entertained till 1747, and then only after the tedious German fashion, that is, much was written upon the points, and what was written was printed. Twenty-six points were submitted to the diet for consultation and decision, and the members of this assembly had come to no conclusion when Joseph became emperor. All the world and Pütter also were therefore astonished that, by means of Joseph's interference, the jurists and diplomatists of the diet had at length come to a decision respecting the visitation, which now only required the decree of the imperial commission in order to take effect. This decree was delayed, because Joseph wished to place his own common sense in opposition to positive law, his idea of imperial consequence which he had derived from nature to the rights of custom and usage, and to exercise the beneficent part of monarchical power. This delay was increased by the Vienna publicists and the imperial chancery, whose instrumentality they were obliged to use, being disinclined to forego any forms or formulas, however antiquated they might be. When at length the decree really appeared in November 1766, it gave rise to a miserable jealousy respecting imperial pretensions and to general dissatisfaction: it was however enforced.

By the terms of the decree the opening of the visitation was put off till May 1767; but the Germans were so jealous of the empire, or so anxious to secure to every little city, and to every imperial count that small portion of the imperial dignity which each had seized upon for himself, to the disadvantage of the nation, for whose privileges they all pretended to be champions, that a formal protest was entered into against what they called the emperor's suspicious pretensions. These pretensions consisted in this, that all the necessary preparations for the opening of the visitation already signed had been appended to the decree of the commission, whereas the emperor should still have required a judgement of the empire. In order to put an end to this dispute, in January 1767 the emperor issued another decree, to which such a judgement of the empire was appended that it might appear as if the emperor alone had not regulated the whole affair. The urgent need of the visitation may be best learned from the reports of Pütter, whom the whole of Europe at that time justly considered as the infallible oracle of German legal knowledge and administration.

In the twenty-fourth chapter of the first part of his Autobiography, Pütter informs us, without apology or disguise, that distinguished men and professors of law, such as he was himself, suffered themselves to be employed as instruments of the rich and powerful to oppress the poor and weak, by means of the chicanery of the law. In the thirty-ninth chapter of the second part of the same work he gives us a dreadful representation of the condition of the court shortly before the visitation. Pütter, in his work, speaks only of private influences, want of order and superintendence; one important point is still wanting, and this may be supplied from Schlözer's Notices: this was bribery by Jews and the companions of Jews, of which several members of the court were convicted by the commission of visitation. It appears that one of the judges of the court (von Leykam) and three assessors kept up a continual correspondence and negotiation with a Frankfort Jew named Nathan, on the subject of suits pending in the court. In such circumstances a radical reform alone could be of any avail; such abuses and customs required to be completely rooted out. The emperor's own commissioners, however, obstructed his views; for both (certainly at least baron Spangenberg) were among the most barren scholars and most offensively-pedantic jurists in Germany; and that was much to say.

Those deeply-learned and cautious commissioners, and others who did not wish to be behind them, soon crowded into the minutes such an amount of superfluous learning and confounding explanations, that as early as the beginning of the year 1768 Pütter received a mass of Wetzlar minutes, sent to him for an opinion by the Hanoverian government, which filled a box two ells long by one ell broad. The protestants and catholics could find no end to their disputes respecting the influence of the one party or the other in the court, and each of the German courts kept one or more publicists in pay, in order that the particular objects of every prince might be marshalled in the field of law with all the learning and chicanery necessary to ensure success. Pütter as well as others published a great many papers, till at length, after nine years, the whole visitation ended without coming to any definite conclusion whatever, and it was found impossible to agree as to any real improvements in the methods of proceeding or administration of the law. The only thing worthy of notice which occurred was, that judges who had been

proved guilty of accepting bribes, and agents who had bribed them, were punished, and many cases were revised. Suits were not actually decided by the commission, but several were recommended to the immediate attention of the supreme court, and the number of its members was increased from seventeen to twenty-five; the funds which were contributed by the German empire for the support of its supreme court of judicature did not enable the commission to go further. The history of this visitation of the supreme court is important as an illustration of German administration and learning, of the spirit of adherence to forms to the neglect of the substance, and of the prevailing zeal and jealousy for private advantages. From this display of miserable chicanery, we must explain the dislike which the emperor, who was filled with the best intentions, felt towards all further consultation with those remnants of the middle ages which, in the empire as well as in his hereditary provinces, were called *estates*, and the vehemence with which he opposed them. The whole history of the sufferings of this reforming emperor proves besides, that his good will and sound common sense were no match for the subtlety of the lawyers and their learned wisdom, which they derived from the institutions of the seventeenth century.

In this way the tediousness and oppressive delays in the tribunals maintained their ground, bribery and corruption commenced their work anew, and the emperor, after having for nine years laboured in vain in the cause of justice, found that he was able to make as little progress with German princes, bishops and publicists in the correction or abolition of antiquated usages, as with his mother and the aristocratical cabinet which ruled in her name in abolishing the crying abuses in his hereditary states. Joseph was unable to gain any wisdom from the discordant opinions of his own commissioners, Egon von Fürstenberg and baron von Spangenberg, although in other respects they were among the cleverest men in the world. Like the other Vienna publicists, they spoke a language which was neither intelligible to him nor to any other German, because an emperor, as emperor of the Romans, was obliged to speak with the German estates, not in German but in juristical jargon. The Vienna publicists, moreover, obstructed Joseph's best views, from a juristical and diplomatic fear of relinquishing to him even a tittle of their rights. The circumstance which finally gave rise to the dissolution of the

visitation was an attempt, on the part of the chancellor of the empire, by means of a trick, to employ protestant counts for the promotion of catholic interests. This attempt on the part of the archbishop furnished the desired pretence to the protestant estates for preventing any alterations in the constitution of the supreme court, a result in the highest degree advantageous to all those who had a bad conscience, as well as for those who accumulated wealth as pettifoggers. In the course of the discussion upon the revision of the pending suits, electoral Mayence insisted that the colleges of the Franconian and Westphalian counts, which were partly catholic and partly protestant, should be regarded as wholly catholic; and, as chancellor of the empire, the archbishop laid claim to the right of sending a delegate with the privilege of speaking and voting in each of the senates about to be appointed for the revision of pending suits; this the protestants warmly opposed. As early as May 1776, Hanover sent forth a publication\* of some 500 pages written by Pütter, with a view to cast the blame of the dissolution of the commission, then agreed upon but not made public till the close of the year, upon Austria and Mayence.

Both the emperor and the elector of Mayence were noble-minded and enlightened men, wholly unfavourable to the darkness and confounding folio lore of the seventeenth century; but from the nature of the strife in which they were engaged, they were completely in the power of dreadful publicists and their tedious deductions, and these did not fail in the production of voluminous quartos under which the German people groaned, without at all understanding their contents. The Vienna refutation of the Hanoverian book furnishes a striking illustration of the manner in which pedants sported with the interests of the whole nation, and without ever thinking that their pastime involved the goods, estates and lives of the people, wrote in defence of fanatics and pedants of their own kind in such a style, that their writings were as inaccessible to the great body of the German people as if they had been written in Arabic. The writer not only undertook the refutation of Pütter's quarto volume, but he

\* 'The true Case of the Dissolution of the Visitation of the Imperial and Supreme Court.' Göttingen, 1776. 4to. The publication was not issued with Pütter's name, in order that it might be regarded as an official declaration on the part of the Hanoverian government.



alleged at the same time, in the most courtly and affectionate terms, that the refuted work deserved to be condemned, and its author to be subjected to a criminal prosecution.

It appeared immediately afterwards that Joseph, as if despairing of the power which he possessed as emperor elect, was anxious to increase his hereditary German states in such a way, as to possess such a position and influence in Germany as might enable him at no distant period to make the Germans again a nation and his house an imperial house. Prussia became so much alarmed at this manifestation, and so cunningly took advantage of the old German fears respecting Austria as a supporter of the jesuits and an ally of Spain, as to bring them into full action against the new and reforming Austria, and the very first steps of the anti-jesuitical monarch, in his efforts to destroy feudal privileges, were effectually barred. This step took place in consequence of the death of the elector of Bavaria. By the death of the good Maximilian Joseph, the reigning branch of the house of Wittelsbach became extinct: his next heir, Charles Theodore of the Palatinate, had no legitimate son, although, as was usual with the great men of those times, he had many illegitimate children by his numerous mistresses of the highest and the lowest rank. In consequence of the failure of legitimate heirs, the insignificant and poor duke of Deux Ponts had distant views of becoming ruler of Bavaria and of the whole Rhine country from Mannheim to Düsseldorf. The elector Maximilian Joseph lost his life in 1777, in his fifty-first year, in consequence of the ignorance of his physician; Charles Theodore became heir to Bavaria, by virtue of the law of succession recognised in the Bavarian and Palatinate house, and of three special family agreements concluded since 1766; Charles however was naturally more disposed to promote the interests of his illegitimate children than of the duke of Deux Ponts, who must be his successor. The emperor Joseph tried to take advantage of this state of affairs, and in consequence of Charles Theodore's character and mode of life, as well as of the manner in which the elector, in spite of all his love for the arts and sciences, had been used and abused in the Palatinate, he did not find it difficult to secure the co-operation of the elector himself in his plans. In the Palatinate, at that time and afterwards, everything was to be had for money, reversions were sold three or four deep, and ministers, mistresses and their illegitimate children carried



on a regular trade in places, titles and livings. These were golden days for the nobility, jesuits, play-actors, opera-singers and poetasters, as well as for painters, sculptors and architects,—a period of iron rule for the protestants, but all went merrily at court.

Joseph gave it to be understood that he would not spare money and estates to make a splendid provision for a part of the illegitimate children of Charles Theodore, if on his part he would acknowledge the claims of Austria to a part of Bavaria, the title to which was to be set forth by the Austrian publicists and proved after their fashion. These negotiations between Charles Theodore and the emperor had been carried on in the life-time of the elector of Bavaria, whilst the latter was taking means, by new family compacts, to secure the succession of the whole of the countries belonging to Bavaria to the Palatinate and Deux Ponts branch of his house. With a view to support his secret negotiations with Charles Theodore, Joseph caused his publicists to search out and produce an old and pretended feudal investiture, in order to lay claim to the whole of Lower Bavaria, the lordship of Mindelheim, the county of Leuchtenberg, and many other counties and lordships as feuds, which must fall in to Austria as the superior lord, on the extinction of the Bavarian line. The whole of the legal grounds and the nature of these claims may be found in the works of Dohm, in all the histories of the empire, and in innumerable other works, stated at such full length, that we, who concern ourselves only with decisive facts, and pay no attention to mere paper wars and chicanery, will only mention incidentally the main points. The claim to Lower Bavaria was founded upon the allegation, that the emperor Sigmund granted it as a feudal investiture to his son-in-law, Albert of Austria; it was found however that this was not the fact, and that Albert, by a document signed in the year 1429, had even relinquished all claim to the reversion granted to him by the emperor. The other lordships were claimed partly as Bohemian fiefs and partly as fiefs of the empire. As might be expected, numerous and learned deductions were published on the subject; but notwithstanding this, the emperor's hopes rested mainly on his agreement with Charles Theodore, and the conviction that none of the great powers would interest themselves in the cause of the duke of Deux Ponts.

France was at that time intimately connected with Austria by marriage, and besides, she, as well as England and Spain, had all their attention directed to, and their forces engaged in the American and naval wars: it was supposed that Russia alone, in consequence of the expense, without foreign subsidies, would not be disposed to undertake a war in favour of the duke of Deux Ponts, and Charles Theodore appeared to be completely won. On the other hand, the Bavarian ministers were seized with a singular fit of individual patriotism, and they availed themselves of the assistance of a lady who afterwards played a conspicuous part in the affairs of the illuminati. According to the custom of all ladies who take part in political affairs, she worked with passionate zeal in favour of her friends and against her enemies; the ministers endeavoured to persuade Charles Theodore, at least in the first instance, to take possession of the whole territory. This lady was afterwards universally praised as a *German* patriot, in consequence of the cabals which she set on foot against Joseph, and the same good fortune befell her intimate friend Utzschneider, in consequence of the persecutions which he promoted against the enemies of the priests. She was called duchess Clement, having been married to Francis de Paula, duke of a collateral line, who died in 1770. When Maximilian Joseph was on his death-bed in December 1777, she and her Bavarians contrived to prevail upon Charles Theodore to sign an ordinance by which he took possession as rightful heir, to send it to Munich and there deposit it for use: it was not however his intention that it should be immediately employed. Maximilian however was no sooner dead than the whole inheritance of the Bavarian house was claimed on behalf of his successor by the publication of these ordinances on the 3rd of December 1777, whilst Charles Theodore's minister in Vienna, on the 3rd of July 1778, signed and confirmed the treaties which had previously been kept secret, and publicly acknowledged the claims of Austria.

Immediately after the signing of the treaty, Austrian troops advanced into the territories and towns which formed the subject of agreement and claim, and their inhabitants were required to do homage. The duke of Deux Ponts, who was most immediately concerned, at first made no objection to these rapid steps on the part of the emperor, but an opposition arose from electoral Saxony and Mecklenburg. The elector of Saxony laid

claim to the whole allodial inheritance of Maximilian Joseph, and to thirteen millions which was mortgaged on the Upper Palatinate : Mecklenburg claimed the landgraviate of Leuchtenberg. King Frederick alone was wholly opposed to the increase of the imperial power in Germany, and resolved to obstruct it in every way possible. Joseph was too precipitate in taking possession of what he claimed and hoped to acquire, inasmuch as Maria Theresa was by no means disposed to enter into a war. Frederick also wished to attain his object by negotiations, or at most by threats, his ambassador in Vienna made only some objections of prudence against the Vienna convention of the 3rd of January 1778, and Frederick himself, though well informed of the whole course of events, pretended to be extremely surprised by the convention. The whole affair was carried on like a political cabal. The duchess Clement was the centre of the intrigue of old Bavarian patriotism, which afterwards, at her instigation, found a defender in the king of Prussia ; the duke of Deux Ponts was a mere pretence and tool of the Prussian intrigues. The most difficult task was to bring the duke into connexion with the king of Prussia, because he was afraid of raising up enemies to himself in the persons of the emperor and the elector.

In order to open negotiations with the duke, Frederick selected a man who was not in his service, and who could therefore travel about without observation. This was count von Görz, whom it was not even necessary to send from Berlin, because he was at that time sojourning in Weimar. He had been employed to conduct the education of the duke, and had accompanied him on his travels, but had the misfortune to fall under the displeasure of the duke's mother a few months before his accession to the government, and resigned the situation of high-steward, which the duke conferred on him on his accession, after he had occupied the place for a year. He received Frederick's instructions through his brother, who was a Prussian general, and who brought them to Weimar in person five days after the signing of the Vienna convention, that is, on the 8th of January 1778. These instructions were prepared and drawn up by Frederick with his own hand, but not *officially* signed. Görz went to Ratisbon ; there he endeavoured, by means of the duchess Clement and the old Bavarian councillors, to prevail either upon Charles Theodore or the duke of Deux Ponts to receive him as

a Prussian minister sent to maintain the integrity of the Bavarian possessions. Görz sought in vain to obtain a favourable hearing from Charles Theodore, and therefore had recourse to a means, concerning which persons will form different opinions according to their acquaintance with the usual course of diplomacy.

Charles Theodore on his part not only declined all offers, but he persuaded the duke also to set out for München and to sign the convention himself,—Charles having previously given orders to his minister in München immediately to do this in his name. Görz, in concurrence with the old Bavarian party, having adopted Ratisbon as his centre of operations, prevailed upon the estates to make the most urgent representations on the subject; and they besides were naturally better pleased with a ruler like Charles Theodore than they would have been with the emperor Joseph. He next went to München, and by means of the duchess Clement succeeded in persuading Herr von Hohenfels, the minister of the duke of Deux Ponts in München, not to follow the commands of his prince, but to delay the signature. The minister afterwards went to meet the duke and persuaded him to defend his rights. This minister is worthy of especial mention in our days, when every one regards it as an honour to be venal in one form or another. It was believed that the duke would follow the advice of his minister, and decide for or against the convention according to his deliberate counsel: recourse was had to money, and Hohenfels was tempted with an offer of half a million of florins; but although a poor man, he resisted the temptation, persevered steadfastly in his opinion, and the duke followed his advice. He not only refused to sign the convention, for the purpose of doing which he had come to München, but he protested formally against its adoption, and in the same month returned to Deux Ponts.

From this moment Prussia obtained the desired pretence for interfering in the question. The duke's protest was laid before the diet, and Görz appeared publicly as Prussian ambassador at the court of Deux Ponts. This gave offence to Austria, and the emperor declared he would pay no attention to the claims of duke Charles as long as a Prussian ambassador remained at his court; the duke was thus obliged to place his cause wholly in the hands of Prussia. Görz had intrigued in Bavaria from the 10th of January till the 6th of February 1778; he then appeared as minister in Deux Ponts, and from that time forward directed



all the measures of the duke both in Vienna and Ratisbon. Among the German princes Joseph was called an innovator and tyrant striving after absolute power, and therefore also the cause of the duke of Deux Ponts, of the duchess Clement, and of the old Bavarians, is called by Johannes von Müller the cause of Germany, and what is still more, the cause of German freedom! Görz also boasted, not merely that his plans were everywhere approved, but that he found *noble* helpers, because priests and privileged persons dreaded Joseph as the determined enemy of antiquated abuses. It appeared as early as March that France neither would nor could interfere in the question; on the other hand, the king of Prussia declared\* on the 28th, that he would defend the just claims of the duke of Deux Ponts to Lower Bavaria, the Upper Palatinate and Mindelheim by force of arms, if the Austrian troops did not immediately evacuate the disputed territories.

Joseph would probably have immediately appealed to arms instead of exchanging diplomatic notes till autumn, had not his mother been of a different opinion. In conformity with the usual practice, she made one proposal after another, continued to exchange notes and send ambassadors, and to discuss and write from spring till autumn. Even after her son had taken the field, Maria Theresa endeavoured, by means of a plenipotentiary commissioned by herself alone, to arrange the dispute without asking Joseph, or even informing him of her design.

We pass over the diplomatic and legal portion of these histories, partly because they do not belong to our object, partly because the whole subject has been admirably treated by Dohm, and von Görz has given a full account of his share in the diplomatic negotiations respecting this Bavarian question in a distinct work. The negotiations on the part of Austria were conducted by the aged prince von Kaunitz-Rittberg, who, as is well known, was a man full of knowledge, talents and enlightened experience, a master of the science of law and magnanimous in his way, but who at the same time laid great stress upon his courtly manners of the times of Pompadour, his French literature, sophistry and rhetoric, was insupportable on account of his pride and egotism, intolerable in his behaviour towards others, and in

\* The king of Prussia declared on the 28th of March, that he pledged himself to defend with his whole might the rights of the Palatinate house to the succession in Bavaria against the unjust claims of the court of Vienna.



the highest degree disrespectful in his demeanour even towards the empress, who endured him\*. Frederick II., who regarded writing as a thing in itself unnecessary, but according to custom essential, left that to his ministers von Finkensteen and the count von Herzberg; they wrote and printed: he himself quietly awaited the moment when the question was to be finally solved by the sword.

We cannot altogether overlook this German paper war respecting an affair which could only be decided by an appeal to arms, because it furnishes another proof of the manner in which the whole German life was under the guidance of writing pedants, and in which the German always talks and writes instead of acting. To the honour of the unlearned portion be it said, the authors of these numerous publications were the same jurists by whom at that time our people, from Basle to the Eyder, were ruled by decrees. How dreadful must all this superfluity of writing, citations and reasoning, to which the jurists always had recourse, have been to a sovereign like Joseph, who wished to carry through radical reforms, and who followed his own common sense even in cases where more regard must be paid to opinion and prejudice than to reason, which is very weak in undisciplined minds! How was it possible for the German people ever to form an idea of what law really was, among the writings of that multitude of paid perverters of law, pedants and well-fed sophists, who appeared before the public in this single affair? How was it possible for only *one* sound mind, imbued with a love for the *eternal* principles of *right* and *truth*, ever to emerge from that abyss of pettifogging arts into which the jurists were plunged in the universities? And yet these jurists were the universal rulers, and in their own persons exercised both the legislative and administrative functions. It is no wonder therefore that among the jurists of those times there were so many sound believing old Lutherans, but scarcely such an occasional thing as an impartial man! We find in the 36th, 37th and 39th parts of the 'Universal German Library,' no less than 288 books reviewed, which were written upon the question of the Bavarian succession, and there were many others which are not there enumerated.

\* Dohm has formed a correct judgement respecting him: Swinburne, whose remarks upon 'The Courts of Europe at the Close of the Last Century' have been lately published, concurs in his opinion. The eulogies in the Necrology of 1794 amount in fact to the same thing. He was a man of the Talleyrand and Gentz school.

As early as the 18th of May the king of Prussia had secured the alliance of Saxony, by agreeing to become the champion of the elector's claims to the allodial inheritance, in return for which the elector promised to enter into no agreement without his consent. In May 100,000 Prussians were assembled on the Bohemian frontiers, and yet the negotiations still continued, till prince Kaunitz made a very insolent declaration on the 24th of June; whereupon Frederick broke off the negotiations in Berlin on the 3rd of July by a note sent to Vienna, and on the 5th his troops crossed the frontiers and advanced in hostile array into Bohemia. Twelve days afterwards the troops again made a halt. The king had first corresponded with Joseph respecting the dispute; then negotiations had been carried on by Cobenzel in Berlin, and finally Maria Theresa sent a plenipotentiary of her own to treat immediately with Frederick in his head-quarters, after the Prussian troops had advanced into Bohemia: on this occasion the empress employed the famous baron von Thugut, who had previously played so renowned a part in Constantinople, and in the negotiations for peace between the Russians and the Turks. These negotiations, of which the emperor was at first uninformed, were continued for six weeks, first in Welsdorf and then in Braunau. Thugut received his commission immediately from the empress, and his proposals were totally different from what Joseph had previously approved\*. Maria Theresa caused an offer to be made in August, in which she proposed under certain conditions to relinquish the whole of the demands of her son; and Thugut declared in the beginning of August, in the name of the empress, that she would restore all those places of which her troops had taken possession in Bavaria and the Upper Palatinate, and release Charles Theodore from the obligations laid upon him by the convention of the 3rd of January, if Prussia would renounce the union of the principalities of Anspach and Bayreuth with the elder branch of its house as long as there existed any younger branches†.

\* In the 'Historical and Political Memoirs of the royal Prussian Minister of State, Johann Eustace Count von Görz, drawn up from his posthumous papers,' Stuttgart, 1827, it is stated, Part 1st, p. 97, that Thugut's proposals made in the name of the empress were, the restoration of all that Austria had taken possession of in Bavaria, with the exception of a district yielding a yearly income of a million, with the reservation of an exchange of this district with the elector for another yielding a like amount; and common mediation with Prussia for the arrangement of the Saxon claims respecting the allodial inheritance.

† The correspondence between the emperor and his mother, and Frederick,

Frederick declined the first proposal as well as some others, by which the interests of Austria would have been too largely promoted at the expense of Bavaria; but he by no means participated in the warlike rage of the duchess Clement, and laughed at her celebrated declaration, which was worthy of the knight of La Mancha, that at all events she could come to his aid with 20,000 old Bavarians. The negotiations of Welsdorf, whither Frederick had brought his ministers Finkenstein and Herzberg, who had previously entered upon the question with Cobenzel in Berlin, were transferred to the convent of Braunau, not far from Welsdorf, and prolonged till the middle of the month of August. Their effect was in the meantime to prevent any hostile undertakings without an actual truce having been concluded. Every one at that time ridiculed what was usually called the potatoe-war\* of the year 1778.

Frederick did not wish to proceed to actual hostilities, inasmuch as he reckoned on the mediation of the empress of Russia; whilst Joseph and his mentor Lacy also delayed and hesitated, because Lacy was much better fitted to be the head of a general staff and an adjutant-general, than a bold and enterprising leader in the field. Both therefore acted on the defensive, which was in the highest degree injurious to the troops; and the insignificant undertakings of the Prussians and Austrians in the autumn of 1778 and the spring of 1779 have been therefore justly blamed by the most experienced commanders. During the negotiations at Welsdorf and Braunau nothing was undertaken by the respective armies under Frederick, and Lacy and Joseph; and even the army which had marched from Saxony into Bohemia under prince Henry remained for weeks inactive, in presence of the Austrian force under field-marshal Laudon. The termination of the campaign showed the Prussians the deficiencies in the Austrian military department. The recollection of these deficiencies should have prevented the emperor from a desire of afterwards playing the general, and in reliance upon his friend and mentor Lacy, from commencing a war with the Turks. The

are to be found in part 4th of Gross-Hoffinger's 'History of the Life and Government of Joseph II.,' &c. pp. 26-47, under the title "Correspondance de l'empereur et de l'impératrice reine avec le roi de Prusse au sujet de la succession de la Bavière." The other documents connected with the affair are to be found in the same work, p. 130, &c., where the articles of the peace are given *in extenso*.

\* [It was commenced during the potatoe-harvest.—TRANS.]

king and his brother Henry lost more men in consequence of autumnal weather, bad roads, sickness, and an unpardonable neglect in the commissariat department, than two bloody engagements would have cost them; and Laudon proved in a very remarkable letter at that time written to the emperor, that Lacy's new military arrangements, which were so much praised, were greatly overrated. According to Laudon's opinion, the whole condition of the army, of its field hospitals, and the proportion of the different descriptions of arms to one another, as well as the nature of the troops themselves, were in the highest degree defective; it was therefore no doubt very prudent on the part of the Austrians not to come to actual hostilities.

The retirement of the Prussian armies from Bohemia in September and October was extremely injurious to both. In the end of September prince Henry, on his march back to Saxony found the roads almost impassable, and the continuous rains compelled him to make large sacrifices of baggage-waggons and artillery; and Frederick also, when he removed his camp on the 15th of October from Schatzlar to Landshut in Silesia, found his army extraordinarily weakened by want, sickness, the difficulties of their march and an unfavourable season. Even in this destructive autumn Frederick proved himself to be a truly great man, and one who would have been worthy to command the nations, had he not by accident been the son of a queen. Notwithstanding his advanced age and his impaired health, he submitted to all the inconveniences and difficulties of the march. A part of Austrian Silesia was still occupied by the Prussians, who took up their winter-quarters in Jägerndorf and Troppau. In January and February 1779 predatory expeditions were undertaken by both parties, which served to make a name for an Austrian and a Prussian general. At the end of January the Austrian general Wurmser surprised Habelschwerdt, and took up such a position in the county of Glatz, that Frederick himself found it advisable to march in all haste to Silberberg on the 4th of February and to compel him to retreat. On the same day Möllendorf made an incursion into Bohemia, and deprived the Austrians of their magazine at Brix. The Austrian general Wallis, who at the close of the month marched against Neustadt, most unnecessarily caused that place to be burnt down just at the moment when a truce was about to be concluded.

Russia and France had now been long solicited to mediate,



the one by Prussia and the other by Austria ; a truce was therefore proclaimed as early as the 7th of March in Bohemia, on the 8th in Silesia, and on the 10th in Saxony. Joseph could not reckon on the full approval of his designs on the part of France ; for although the French ministry was well-disposed to do its best for Austria and the brother-in-law of their king, yet it would not and could not consent to increase the power of the house of Hapsburg at the expense of the German princes. The empress of Russia had at least assumed a threatening appearance in the interest of Prussia, and had collected a division of her army on the frontiers of Galicia. This threat produced so much the greater effect upon Maria Theresa, as France also besought her not to insist upon the demands of her son. On the 11th of January 1779, contrary to the wish of Joseph, she accepted the proposals which were made by France. The king of Prussia afterwards more exactly defined his demands, and called his ministers Herzberg and Finkenstein to Breslau. The preliminary conditions having been here agreed upon a truce was concluded, and the further arrangement of the terms of the peace was referred to a congress in Teschen.

Matters of secondary consideration alone were discussed in Teschen, because the chief conditions had been previously agreed upon ; and yet the congress continued its sittings from March until May. This delay was occasioned by Repnin and Breteuil, the former as Russian and the latter as French representative, requiring now this and now that on the part of their respective clients Prussia and Austria. No one was more indignant at the whole of these proceedings, at the intermeddling of women and diplomatists, than the emperor Joseph : he had already expressed his indignation to his mother respecting the mission of Thugut, and had such a serious misunderstanding with his brother Leopold in consequence of these diplomatic cabals, that he passed him over, and caused Leopold's son Francis to be elected king of the Romans instead of his father. The peace of Teschen led to his subsequent disagreements with his mother, in consequence of which he withdrew from all connexion with state affairs, indulged himself in travelling, and only again took part in the government of his hereditary dominions on the death of his mother ; in the meantime she had again taken the whole management of affairs into her own hands\*.

\* Joseph writes (Letters, &c. p. 39) : " I consented to this peace it is true,



The conditions of the peace of Teschen appeared highly honourable to Prussia, for it was conceded by Austria and the high mediating powers that Anspach and Bayreuth should in future be united with the Prussian dominions should the reigning margrave die without heirs, that is, without leaving such sons as could be elevated to the sovereignty according to the usages of German law. Austria on the other hand had laid claim to 250 square miles of Bavarian territory and received only 34; but notwithstanding all the apparent advantages gained by Prussia over Austria, in spite of all the boastings in Berlin respecting the glory of maintaining German freedom, of which none of us have ever felt or seen any of the reality, the great king brought himself into a very awkward position by this war of succession. Frederick himself had now invited Russia to interfere in German affairs; and he thus furnished Russia with a pretence and an encouragement authoritatively to adopt the cause of Prussia or Austria, as circumstances might suggest or require. By taking under his protection narrow-minded Bavarian patriotism against German national feeling, he weakened the empire, and by becoming himself a Russian client, he compelled the upright and honourable emperor of Germany likewise to submit to the same condition. As to Bavaria, it was agreed in Teschen that Charles Theodore should be released from all the obligations of the convention of Vienna of the 3rd of January 1778, and that that portion of the Bavarian dominion which lay between the Inn, Danube and Salzach should fall to Austria. Maria Theresa, renouncing her claims to portions of the Upper Palatinate and to the lordship of Mindelheim, promised also to confer the Bohemian fiefs upon the new line and its successors, and to induce the emperor to do the same with the fiefs of the empire. Saxony was compensated for her claims on the allodial inheritance, which were supported by Prussia, by a concession of sovereignty over the Schönburg lordships which was relinquished by Austria, and a promise of 6,000,000 florins to be paid in twelve

and gave the necessary guarantees, that I might not vex my mother. I may however compare my conduct with that of Charles V. in Africa: he returned to Spain with his fleet after one unsuccessful campaign; he went on board his ship, it is true, but he was the last man who did so. I am like one of the Venetian generals, who commands their land army in war and receives the pay of the republic . . . . when the campaigns are over he receives a pension. Live content like a philosopher, enjoy what constitutes the pleasure of your private condition, and do not envy the fortune of kings."

years, by yearly instalments of half a million each. Mecklenburg, for the satisfaction of her far-fetched claims, received from the emperor, on the mediation of Prussia and Austria, the privilege of establishing a supreme court in its own territory (*jus de non appellando*).

Immediately after the conclusion of the treaty of Teschen, the emperor Joseph directed his whole attention to drawing off the empress Catharine from the interests of the king of Prussia and to attaching her to his own. Chiefly with this view he undertook his first journey to Russia, where at that time Potemkin was exercising a tyrannical dominion over the empress and the empire. The emperor fully attained his object in Petersburg, but on his return he still kept himself apart from the affairs of the hereditary states till November 1780, when he could reign alone, after the death of his mother. We shall hereafter refer to the first bold steps taken by Joseph on the death of his mother, when we come to speak of the affairs of the Dutch and Belgian revolution and the Turkish war; in the meantime we shall direct attention especially to what he attempted to accomplish in the German empire. The success of these attempts was chiefly frustrated by king Frederick and his minister count Herzberg, because Joseph's journey to Russia had increased the jealousy between Prussia and Austria, which was extremely injurious to the German nation, but in the same proportion advantageous to Russia. Joseph, indeed, was obliged to suffer himself to be bound in the same Russian chains which Frederick, forced by necessity, had already worn.

Joseph's first endeavour was to prevent a second renewal of the treaty of alliance originally entered into between Russia and Prussia in 1764, and renewed for eight years longer in 1772; Frederick endeavoured to counteract his design by the mission of his nephew and successor to Petersburg, and he not only failed in his mission but excited great displeasure in Petersburg.

Joseph began to despair of the empire and its princes, and after having undertaken the government of his hereditary states, he endeavoured to derive the greatest possible advantage from the small influence which still remained to him in consequence of the almost empty dignity of chief of the empire. The chief influence which this dignity conferred upon him arose from the dependence of the imperial cities, of the small princes and counts of

the empire, chiefly catholic, and from his influence in the elections to the catholic dignities and bishoprics, which enabled him either to raise an Austrian prince to the electorate, or to provide for the son of some family devoted to the Austrian interest. The emperor experienced the resistance of Prussia, even in his efforts to turn this influence to account. Things went so far, that the German emperor and the first German prince not only carried on a series of diplomatic intrigues against each other in the affairs of a German archbishopric, but even negotiated with Catharine and Potemkin on a question which was wholly German and national. Joseph was desirous of appointing his brother Maximilian to be coadjutor of the elector of Cologne and bishop of Münster; Frederick attempted to frustrate his design, but without success; Maximilian was created coadjutor and afterwards became elector. In other respects, however, Frederick proved successful in frustrating Joseph's attempts at employing his imperial influence for the advantage of his house and his hereditary states.

Joseph entertained the same opinion of the constitution and nature of the German empire which Gustavus Adolphus had already expressed, when he called it an old feudal castle, which afforded an excellent asylum for rats, mice, hawks and owls, but could never afford a convenient habitation for men unless it were completely rebuilt. This reconstruction has never yet been effected. Joseph therefore attempted, by the exercise of absolute power, to introduce some improvements, and inspired no small terror for their safety among the owls and rats, who had long dwelt in convenience and plundered with security among the intricate and inaccessible fastnesses of this ancient castle. Neither the oppressors nor the oppressed, in their fear of reforms, acknowledged the emperor's love of justice: this appeared on his urgently requiring from the imperial courts a quicker and more impartial administration of justice than had been hitherto practised, especially in cases in which protestant subjects complained of oppression on the part of their catholic rulers. His commands on this point gave rise to a vehement outcry among the catholics, and was received by the protestants with little gratitude. Joseph's attempt to revive and employ the old imperial system of *panisbriefs* (bread-letters), for the purpose of rewarding the friends and servants of his house, met with universal resistance, because the thing was in itself unjust. Till the times

of Charles IV. the emperors of Germany had possessed and exercised the right of conferring upon some layman, whom they wished to reward or provide for, a living in every ecclesiastical see or conventual institution ; this was called a privilege of provision (*panisbrief*) : Joseph II., under the advice of some imperial jurist, wished to renew this right, because it had never been formally abolished ; in the times of Charles IV. the popes also possessed a similar privilege.

It was impossible to oppose the emperor's claim by any positive law, or by any article of the conditions of his election, when in 1783 he suddenly conceived the idea of distributing ecclesiastical livings by means of *panisbriefs*, instead of conferring Austrian pensions, and of extending this claim over the whole of Germany ; but he was met by the objection, that such *panisbriefs* had been nowhere received or acknowledged by spiritual bodies, except occasionally and in a few places in Swabia. Joseph however rapidly issued a number of such imperial briefs, one after another, to all the German sees, mediate and immediate, and to all conventual establishments, male and female, catholic and protestant, even to those which had been secularized by the peace of Westphalia, and whose estates had passed into other hands. Joseph bestowed these briefs upon the old attendants of his court or servants of the state, and sometimes upon servants of the lowest class ; he even issued his imperial commands to the various sees and other ecclesiastical foundations, that they should either pay a compensation or a yearly allowance to such persons as sent them these imperial briefs from a distance. In this case also Prussia took the lead and gave an example and encouragement to those who were disposed to resistance, which both catholics and protestants afterwards followed. The remedy was easy : they might merely satisfy themselves with a simple refusal to acquiesce, without any further declaration, as the emperor had not intimated his intention of renewing a privilege that had been dormant since the time of Charles IV., either to the diet or to the estates of the several kingdoms and principalities. The different governments issued orders to the local authorities, to whom in any case such briefs might be sent, immediately to send them back with the remark, that in their sees or foundations they knew nothing of any such usage. As the emperor had no means of enforcing obedience, he was obliged quietly to submit to such refusals, and to be re-



pulsed without an effort to secure obedience. He was more fortunate in his attempt at abridging or abolishing the spiritual power which the bishops and prelates were desirous of exercising within his hereditary dominions. Neither the empire, the pope, nor the king of Prussia had any inclination to take up and defend the cause of the hard-pressed spiritual princes of the empire. Joseph declared that he would no longer suffer any foreign bishop to exercise ecclesiastical power within the bounds of his hereditary states, although this had been done from time immemorial, and arose from the historical and ancient division of the sees. We shall refer to a few examples.

The bishop of Liege exercised spiritual jurisdiction over some districts of Austrian Belgium; the emperor strictly forbade the further continuance of such jurisdiction; Costnitz and Chur were no longer allowed to reckon the different ecclesiastics of the Tyrol, who had been hitherto obedient to them, as within their respective sees; the circle of Eger in Bohemia was withdrawn from the bishopric of Ratisbon and incorporated with that of Prague. In the cases of Salzburg and Passau he not only showed his contempt for the miserable constitution of the empire, but exercised his superiority in temporal as well as spiritual things. The bishop of Passau died in the same year (1783) in which Joseph revived these obsolete imperial claims by the issue of *patentbriefs*, and the emperor availed himself of the vacancy in the see, not only to abolish its diocesan rights in the Austrian territories, but he compelled the chapter formally to renounce these rights and to pay him besides a considerable sum of money. He seized upon all the estates belonging to the bishop and the chapter which were situated within his states, and kept possession of them till the chapter relinquished the rights of the see and paid him a sum of 400,000 florins. The archbishop of Salzburg also learned that Joseph's monarchical power spared neither friend nor foe whenever autocracy could be exercised, and the example of his case deterred many who would otherwise have been disposed to support the reforming plans of the emperor. The archbishop was distinguished above all the other prelates by his love for pure religious feeling, which he sought to promote by all the means in his power, and by his dislike to priestcraft and monkish institutions: he was besides, as the son of the vice-chancellor of the empire (Colloredo), devoted to the house of Austria, and he, as well as his predecessor,



had already ceded a considerable portion of his Austrian see; all however was insufficient to protect him from new demands. He was required also to renounce his ancient rights over the sees of Carinthia and Styria; when he refused his estates were seized upon; the emperor however found it advisable not to proceed to extremities, and he restored his estates, by which others were encouraged in similar circumstances to oppose a like obstinate resistance to his claims.

These and such actions as these, opposed to the forms of the German constitution as well as to the rights of the estates of the empire, and of which we shall subjoin some further examples in a note, in the words of Pütter\*, were recommended to Joseph by the same imperial lawyers who, by their miserable conduct and technicalities, have always roused the suspicion of the German nation against the house of Hapsburg, and have furnished the German princes with an excuse for their traitorous alliance with foreign powers against the integrity and honour of their country. Frederick II. also availed himself of the fear of the Spanish leanings and tendencies of the house of Hapsburg, in order to coun-

\* Pütter, part iii. pp. 208-210:—"There was to be what was called an *Austrian pacification* with the electors, by virtue of which all the electoral privileges were to be transferred to the house of Austria and its ministers in preference to all other reigning houses or their ministers. In certain contemplated cases they wished to make an attempt to give effect to the mere resolutions of the diet, without any formal sanction of the estates of the empire. On one occasion, when the imperial directory of the electorate of Mayence became vacant by the death of the electoral ambassador, the office was for a considerable time entrusted to the ambassador of the electorate of Bohemia. On another occasion, the ambassador of the Austrian imperial directory seemed desirous of appropriating to himself the business which properly belonged to the ambassador of the electorate of Mayence, during the illness of the latter." "This minister," continues Pütter, "was also suspected by the empire in the affair of the counts of the catholic part of the empire and on other occasions, but his conduct was approved of and he himself favoured by the emperor. To this may be added the manner in which the emperor behaved towards the members of the German empire who were surrounded by his territories. The family of Von Zedwitz, it is true, possessed the lordship of Asch as a Bohemian fief, but they were in possession as direct holders under the empire; the family was however oppressed for eight years by a military execution of thirty men, till it acknowledged the Bohemian supremacy. Many estates of the empire and immediate members within the circuit of the Austrian Tyrol were obliged to pay what was called a dominical tax, as if they were Austrian fiefholders. In particular, many members of the circle of Swabia and of the nobles of the empire were constrained to acknowledge the rights of supremacy claimed by the officers of Burgau and the Austrian government in Inspruck, on account of their estates which were situated in the district of the margraviate of Burgau, although the aulic council maintained their cause and gave a decision in their favour as early as 1740."

teract Joseph's plans of satisfying the claims of the Deux Ponts line by conferring upon it the sovereignty of Belgium by way of exchange for Bavaria: this would have been indisputably advantageous for the German people, but ruinous to the princes. The plan besides was no less zealously promoted by the cautious prince Kaunitz than by the warm and hasty emperor. Charles Theodore was to be induced willingly to exchange Bavaria for Belgium, by which this country of monks and fanatics would at that time have been made an independent state, and its jesuits would have obtained a thorough jesuitical king.

Joseph's plan found acceptance with Charles Theodore, although the latter, as his custom was, one while denied what at others he approved. Catharine II. was also won; that is certain. And whatever Flassan, in his 'History of Diplomacy,' may say to the contrary, stress was laid upon the influence which at that time Austria possessed at the French court, although France could scarcely seriously entertain the idea of allowing Joseph again to become emperor of Germany in the old sense of that title and office. Moreover we mention this project, as well as everything else which was merely said or written, because it caused a great excitement, because much was said and written on the subject with ridiculous diplomatic secresy, many costly missions sent, and many despatches drawn up and carried hither and thither. Johannes von Müller, who was a cabinet historian first in Mayence and then in Vienna, wrote a learned sophistical book upon the subject, and yet the whole soon turned out to be mere empty words.

Russia at first favoured the plan of the exchange, and Romanzoff, who was then in Germany, even suffered himself to go so far as to attempt to frighten the duke of Deux Ponts by insolent language. Vergennes also, the French ambassador, tried to persuade him to sanction the arrangement; but after the duke had sent an ambassador to Paris and another to Petersburg, and fully stated the circumstances of the case and his grounds of action, both Russia and France declared their determination to maintain the state of things established by the peace of Teschen. From that time forward Kaunitz and Joseph wholly relinquished their plan, and Charles Theodore would never admit that he had ever entertained it; Frederick II. lost no opportunity of availing himself of the anxiety and jealousy of the old German princes respecting the emperor, whose dignity they had contrived to re-

duce to a mere shadow, in order to promote the interests of his own states. Frederick, or rather Herzberg, suggested the idea and took advantage of the occasion of forming an alliance among the German princes against their own emperor, under the pretence of preventing all innovations. This did not arise, as may be supposed, from any prejudices on the part of Frederick in favour of what was old, but because he had political objects to attain, to which neither Johannes von Müller nor Dohm have thought right to refer in their writings upon this union of the princes. When however we mention the names of these two authors together, we must necessarily add, that the upright, noble-minded, truthful Dohm speaks of this confederation in a very different manner from that of the sophistical, frivolous and vain Müller. The chief circumstances of the history of this abortive project of the emperor are as follows:—

In January 1785 Romanzoff carried Joseph's proposal, assented to by Charles Theodore, to the duke of Deux Ponts; as soon however as the emperor received intelligence of what was going on in Berlin, Dresden, Hanover and Mayence, he wrote a circular to the respective courts, in which he declared that he had never for a moment entertained the idea of compelling Charles Theodore to exchange Bavaria for Belgium against his will. This circular was the consequence of the indefatigable zeal and busy intrigues of count Herzberg, all whose policy was directed to increase the power of Prussia and diminish that of the emperor. He suggested this confederation of the princes, as he said, in order to oppose the combined power of the smaller sovereign princes to the pretensions of the emperor; but its real object was to maintain the abuses in the administration and government of the empire, and to render it possible for the greater princes still more effectually to oppress their smaller brethren who might hope for protection from the emperor, and the people, who, if they had entertained clear views of their own interests, would undoubtedly have been willingly relieved from the supremacy of their numerous lords. At the close of the year 1784 king Frederick approved of Herzberg's plan, and in the commencement of 1785, Prussia, Electoral Saxony and Hanover agreed on the principles of the alliance, and signed the preliminaries on the 23rd of June. On this occasion the three electors drew up a declaration, in which they afterwards invited the other princes to concur, and declared their object to be:—to

use their joint and individual efforts to preserve the integrity of all the circles of the empire and to prevent the violation of their respective constitutions, but especially to protect all the estates of the empire in the full enjoyment of their respective territories and rights, as well as the laws of succession established in their houses and families.

The elector of Mayence (Charles von Erthal) willingly joined the confederation on the same grounds on which baron von Stein had been commissioned to negotiate with him on the subject; both belonged to the dynasty-families\*, to which Joseph was by no means attached. Charles duke of Deux Ponts and his brother Maximilian, afterwards king of Bavaria, Charles Frederick of Baden, the princes of Anhalt Bernburg, Cöthen and Dessau, Brunswick-Wolfenbüttel, Hesse-Cassel, Anspach-Bayreuth, Saxe-Gotha, Weimar, Mecklenburg-Schwerin and Strelitz, willingly adhered to this Prussian confederation against an imaginary danger. One of the Anhalt princes, the foolish Frederick Augustus of Zerbst, had too great a respect for the emperor, whose uniform was worn by his troops, to suffer any one to speak to him of the confederation. In addition to Anhalt-Zerbst, the only princes who took no share in this alliance, into which the most distinguished rulers in Germany entered, and without either object or necessity openly renounced their head, were those of Treves, Cologne, Münster, Hesse-Darmstadt, Wirtemberg and Oldenburg. This confederation excited great attention at the time, and according to German usage much was said and written on the subject; but Frederick no sooner died in the following year, than the whole burst like a bubble, and left no trace of its existence.

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\* [The dynasty-families were composed of the small sovereign princes, counts, &c. of the empire, now mediatized, that is, incorporated with larger states.—TRANS.]

## CHAPTER V.

FRANCE AND ENGLAND TILL THE SECOND YEAR OF THE  
NORTH AMERICAN WAR.

## § I.

## ENGLAND TILL 1772.

IN the other countries of Europe a contest was carried on in the last quarter of the eighteenth century by ministers and princes against the feudal aristocracy and the hierarchy, and in favour of the absolute and military monarchies of modern times; in England, on the contrary, one portion of the aristocracy, which was always at variance with another portion of the same body, with the narrow-minded king, and the German prejudices in favour of princely power with which he was inspired and which were wholly unfitted for England, called in to their aid the democratic principles defended by Rousseau and Franklin. The whole democratic movement which appeared to threaten England with a revolution from 1764 till 1782 remained indeed apparently without any results, because Pitt came to the helm of affairs in 1784, and Burke afterwards adopted another tone. It is nevertheless certain, that the prosecution of Wilkes, Junius's Letters, Franklin's writings, and Paine's attacks upon monarchy and the priesthood left indelible traces behind, and there arose what is called the radical party in England, which however must remain without any considerable influence as long as the customs and wants of the country are such as they have been since the seventeenth century. The names of whig and tory had lost their importance since the times of the Walpoles, and now denoted only two aristocratic parties, who employed these party denominations to designate a certain number of families of the nobility and their adherents and creatures, who in their speeches were a little more or a little less aristocratic. Whenever it became a question of things and not of words, the whigs took very good care, as well as the tories, that all the places, pensions and advantages of governing should be shared by those alone who were brought into parliament under the name of representatives of the people, sometimes through money and sometimes by influence, in short, by their families and creatures.



The whigs as well as the tories became uneasy about the maintenance of their dominion over the people under the reign of George III., who was filled by his German mother and her friend and table companion, lord Bute, with Scotch and German prejudices, from which his weak mind could never afterwards emancipate itself. George had the highest notions of princely power, such as were everywhere proclaimed in Germany, and he therefore, like the German princes, entertained the idea that princes were born with capacities to rule, and that dominion was a divine and hereditary possession; in addition to this he was as orthodox as the church of Scotland, and as thoroughly versed in the bible as a German old-Lutheran. Immediately on his accession he proceeded to take part in public affairs, and thereby drove the elder Pitt from the helm of state, which he had guided with so much ability and renown in the last years of the reign of George II.

With an intolerable amount of pretension and a degree of pride which was oppressive to his colleagues, the elder Pitt combined distinguished capacities, and possessed all those talents in which lord Bute was deficient, whom George III. now appointed head of the ministry. Lord Bute was a good and well-trained courtier of the usual stamp, well-read in the ancients, and, as people of his class usually are, superficially acquainted with everything; he was particularly well-versed in botany, but by no means qualified to be an English minister, among other reasons, because he was a Scotchman, and had no large and wealthy family connexions in England, and in consequence of his intimacy with the king's mother, the princess of Wales, was an offence to the English people, who are extraordinarily strict and rigid on the subject of public morals, and for that reason at some times so remarkably lax. The king would have persons alone in his ministry who were ready to fall in with and support his ideas; he therefore took it very much amiss on the part of his mentor when the latter expressed his unwillingness to retain his position as soon as he learned that he had no other friend than the king, who thought himself able to maintain Bute in his place. George III. continued to be influenced by his personal feelings of kingly rights till 1784; he would suffer no man to be at the head of affairs who did not coincide with his own narrow views and purposes, in consequence of which the first twenty years of his reign were so stormy.

It is usually stated that lord Bute after his retirement kept up

a secret correspondence with the king, and gave him all sorts of counsels, which tended to strengthen and encourage him in his obstinacy, and this caused great discontent amongst those who were called the country party (the tories). It was said that lord Bute had not indeed been in personal communication with the king since his retirement from the ministry on the 8th of April 1763, but that till the death of the princess of Wales (1772) he continued to convey his counsels to his majesty through different channels. Among the persons who are said to have been employed as means of conveying these counsels from Bute to the king, Jenkinson, then secretary at war, afterwards lord Liverpool, has been especially named; Jenkinson was completely a practical man, but unenlightened and narrow-minded, and therefore precisely the man who was suited to George III. This is denied by lord Brougham in his account of lord North, an account which betrays far more of the character of a skilful advocate than of a historian. He alleges that king George had seen lord Bute only once after his retirement from the ministry, and on that occasion, it is true, at the suggestion and wish of his mother, but that he had no desire to see him, and that he was greatly irritated when he became acquainted with the true character of the intimacy between Bute and his mother, of which he previously knew nothing. Lord Brougham however is universally known not to be an authority on which reliance can be placed, and in this case his testimony is contradicted by the journal of the duke of Bedford, which contains an account of his share in the administration from October 1766 till January 1771. In this journal, which has been recently published\*, the duke of Bedford says in express terms, that "he and his friends," that is, Temple, Grafton, and Rockingham, *were chiefly anxious "about the means of rescuing the country out of the hands of lord Bute, restoring strength and energy to the government upon a footing free from favouritism, and the guidance of a minister not in responsible employment; and of rooting out that maxim of favourites, Divide et Impera, which enabled them almost annually to change administrations, for the purpose of retaining their unconstitutional power."*

These things are moreover more important for an Englishman and for the political use which he must make of his history,

\* The journal is appended to the first volume of Sir H. Cavendish's Debates of the House of Commons during the thirteenth parliament of Great Britain, which met in May 1768 and was dissolved in June 1774, commonly called the unreported parliament: London, 1841. P. 605.

than for the general object which we have in our eye. It is however certain, that the king, with all his obstinacy and the exaggerated notions of prerogative in which he indulged, clearly perceived that he could not dispense with the aid of those families of which the upper house was composed, and who purchased from the people seats in the lower house for their younger members, relations and clients. We see therefore that till the time of lord North's ministry a continual struggle was in progress between the obstinate king and some portion of the aristocracy who were always aiming at the possession of the government, and who one while released the people from their bondage and hunted the mob upon their adversaries, and at another allured them into their snares and again reduced them to subjection. The king, according as he found men who would give influence to his whims and humours, placed a Grenville, Rockingham, Shelburne and Grafton, with their respective partisans, successively at the head of the ministry, and dismissed them again if they either met with too formidable an opposition in parliament, or would not allow him to assume and exercise a decisive voice in things for which they alone were responsible.

Among these ever-changing administrations, the names of whose members we shall not here particularise, the ministry of Grafton and that of Grenville alone are important and worthy of notice for general history, because, for the sake of pleasing the king, they led their friends and the parliament of which they consisted to the adoption of measures which made the king, ministry and parliament objects of suspicion to the people, and gave rise to the foundation of a democratic English republic in America. Immediately after lord Bute's retirement from the ministry, Grenville undertook the defence of the peace of Paris, which was vehemently attacked by the opposition, although, as it appears to us, unjustly: by such an attack, Wilkes, one of the commonest and most miserable of demagogues, made himself immortal. Wilkes possessed the talent of speaking and writing with wit, keenness, malice and fluency; and he was the better able to hit the tone of the multitude, as none of his thoughts ever rose beyond the comprehension of the most vulgar; he was therefore the man best fitted to rouse the passions of the mob and to appeal to its prejudices. He had previously shared in the orgies in which the English aristocracy, as well as the French, were accustomed to indulge; his distinguished friends had brought him into parliament for the borough of Aylesbury, and

employed him as a newspaper scribe and pamphleteer. He was connected with a periodical called the 'North Briton', and in the 45th number, published in the year 1763, he attacked the king's speech in which the peace of Paris was announced, the person of his majesty and those of his ministers, with such vulgarity and vehemence, that if the prosecution had not been mismanaged, he could not have escaped condemnation. But the king and his secretaries of state suffered themselves to be led astray by the impulse of passion, and had recourse to illegal methods of proceeding.

Lords Egremont and Halifax, who then shared the duties of the home department, in order to strengthen the ministry by a greater number of supporters, proceeded with such haste and intemperate violence against Wilkes, who was protected by his official character as a member of parliament, that they outstepped the bounds of justice and law, of which the English, who everywhere cleave to the forms of life, are more jealous than of the substance, and thereby put weapons into the hands of their enemies. The secretary of state, as well as every justice of the peace nominated by the government, has a legal right to arrest and examine any person against whom either he or another person has any ground of accusation. The secretary of state however is bound, like every other magistrate, in his warrant to specify the name of the accused, the subject-matter of accusation, and the grounds of his apprehension. All this was omitted in Wilkes's case, and without the adoption of such necessary legal forms the government officers proceeded against the authors, printers and publishers of the 'North Briton,' precisely in the same manner as similar affairs are still universally conducted on the continent. A *general warrant* was issued, commanding the authors, printers and publishers to be arrested, and their papers to be seized. Besides this, Wood, the under-secretary, and the messengers, to whom the execution of the warrant was entrusted, were guilty of other violations of the prescribed legal forms. Wilkes had been first placed under arrest in his own house, but was afterwards committed to the Tower, and his accusers escaped by a quibble from the first application for a *habeas corpus*; and they had also arrested more persons than it was necessary to have done.

Wilkes's friends immediately applied a second time to the court for a writ of *habeas corpus*, which was granted, and he was brought



before the court of common pleas. By a happy use of the deception practised upon the multitude, who are deceived by their aristocracy with the appearance and form of freedom, this affair, the cause of a miserable pamphleteer and his worthy compeers, was magnified into the cause of the people against the king and the ministry. Wilkes's success was regarded as a triumph of the dominion of the law, to which the king also was obliged to submit, for on the 6th of May the chief-justice pronounced the warrant to be *illegal*, and Wilkes was set at liberty. No one will deny that this occasion afforded a very splendid example of the truth, that the dominion of law constitutes, and can alone preserve the only genuine freedom of nations, although it is often held fast bound in the chains of sophistry, subtlety, quibbles and venality in England as well as elsewhere. Chief-justice Pratt (afterwards lord Camden) showed himself on this occasion more zealous for the rights of parliament, and consequently of the people at large, than the oligarchical parliament itself. The chief-justice, with whom the other judges concurred, decided that a member of parliament could not be arrested for a libel; the parliament however afterwards maintained the reverse.

Wilkes's advocate brought forward three grounds against the legality of the arrest: first, that he had been committed without any previous charge or examination; secondly, that he and his fellow-prisoners were not specified by name in the warrant; and thirdly, that a member of parliament could not be arrested for libel. The court sustained the third objection only, and decided that the course pursued by the secretary of state was illegal and the caption void, and that privilege of parliament could only be forfeited by *treason, felony, or a breach of the peace*. Wilkes, in himself insignificant and morally contemptible, now became an object of attention throughout the whole of Europe, and by a series of prosecutions which he instituted, the reports of which filled the English journals for the whole of the year 1763, he roused and kept alive the passions of the people. He and those who had been arrested with him, some of whom (Dryden Leach for example) had nothing to do either with the composition or printing of the 'North Briton,' brought actions one after another against the messengers who had seized the presses and arrested themselves, and considerable damages were in all cases awarded. One of the parties afterwards brought an action on account of the seizure of his papers; and finally Wilkes, before proceeding



against the secretary of state himself, brought an action against his under-secretary Wood, who had had the whole management of the arrest. The result in this case was 1000*l.* damages against Wood; and, notwithstanding the interference of parliament, Wilkes next brought his action against lord Halifax, lord Egremont in the meantime having died. This action against the secretary of state was brought in the year 1769, when the indignation of the people against the parliament in consequence of its treatment of Wilkes had become indescribably great.

The attorney-general had commenced proceedings against Wilkes for a libel in No. 45 of the 'North Briton,' and when the court sustained the plea of parliamentary privilege in favour of the accused, the ministers immediately had recourse to parliament, which was unconditionally obedient to their will. Parliament was opened on the 14th of November, and in the speech from the throne the government, according to custom, took credit to itself for the conclusion of the peace of Paris; and as Wilkes had seized upon the terms of the peace as an opportunity for publishing gross libels against the king and his ministers, this gave them an opportunity of introducing this subject also into the speech. Parliament was called upon to put down that licentious spirit, which (according to their phrase) was repugnant to the principles of their happy constitution, and by which the people were roused and stimulated to rebellion. The complaint, which was couched in general terms in the speech from the throne, was followed the next day (15th of November) by a message from the crown, in which Wilkes was accused by name. The king caused a report to be given of the pending prosecution, and the paper containing the libel upon the king and parliament was officially laid before the house. The question was now entertained, a very vehement debate ensued, and it was decided by the ministerial majority that a special law should be passed for the occasion. The prosecution was not only sanctioned, but parliament decided and declared what should have been, properly speaking, proved before a court of law, *that the publication was in fact a libel.*

The house of commons declared in the strongest terms that the 'North Briton,' No. 45, was a false, scandalous and seditious libel, which manifestly tended to alienate the affections of the people from his majesty, and to excite them to traitorous insurrections; it was further condemned to be burned by the hands

of the common hangman. This resolution received the force of a law by the concurrence of the house of lords. When Wilkes afterwards appealed to the decision of the chief-justice, and complained in parliament against his illegal arrest and the violation of the privileges of parliament in his person, the two houses were bold enough publicly to contradict the law and its recognised official expounders, the courts, and to declare that to be law which the highest legal tribunals had pronounced to be illegal. The declaratory resolution, that privilege of parliament did not extend to the case of writers and publishers of seditious libels, was carried through the lower house without much difficulty, but it met with considerable opposition among the lords, so that the king and parliament, who carried it by mere force of their majorities, gained very little honour by their victory. Seventeen members of the upper house subscribed a protest, in which the government, the house of commons, and the majority of the lords, were in some measure accused before the people of having altered the existing laws without reason, in opposition to the opinion of the judges, and during the course of a prosecution, in order to favour the plaintiff in a particular case and for special reasons\*. The continuous and tumultuous meetings of the people in London might be sufficiently accounted for by this violation of the law on the part of the majority of parliament; the citizens were deeply enraged, and there are always elements enough for tumult in a city of such vast extent as London, where there are leaders of influence to set these elements in motion. The English government was accused, as the French has been in our own days, of looking with satisfaction upon these tumultuary assemblies, which were calculated to inspire the London tradesmen and merchants with apprehensions for the safety of their property, and thus lead them willingly to acquiesce in the employment of military force; and, in fact, acts of violence were now committed every day. A riot took place when the attempt was made to burn the ‘North Briton,’ the police were obstructed, and the paper was torn from the hands of the hangman, who was

\* The protest declares that “it was incompatible with the dignity, gravity and justice of the house of peers thus to explain away a parliamentary privilege of such magnitude and importance, founded on the wisdom of ages, declared with precision in their standing orders, repeatedly confirmed and hitherto preserved inviolable by the spirit of their ancestors; called to it only on a particular occasion and to serve a particular purpose, *ex post facto, ex parte, et pendente lite* in the courts below.”

about to commit it to the flames. The courts were not slow to testify their dissatisfaction with the resolutions of parliament in the case of Wilkes, and to declare that the law was stronger than the parliament: they therefore, without hesitation, sustained the charge against the secretary of lord Halifax, and imposed a heavier fine than under other circumstances they would have done; and it will be seen hereafter, that on Wilkes's return from France an action was brought against lord Halifax himself, and a fine of a most unusual amount imposed by the judges.

King George was imprudent enough to treat this as a personal affair; he paid the fines from his private resources, and in the true spirit of the still-prevailing German usage, he declared that he would not consent to the appointment of any man to any place of honour or profit who should be known to have been present at any of the banquets or festivities which were given in honour of Wilkes, or at any of those demonstrations of satisfaction which had been got up to celebrate the unshaken integrity and love of justice which animated the judges who condemned the messengers of the government and servants of the ministry. By this course the king gave Wilkes an increased degree of political importance in England, where people judge on these points very differently from what they do in Germany; and this was the more remarkable, as Wilkes was a person whom every honourable man heartily despised, and who was also implicated in a number of other discreditable transactions and pursued by his creditors.

Wilkes had previously been the companion of the earl of Sandwich, the duke of Grafton, and other persons of profligate and licentious habits, who now played their parts in the ministry of king George, who was himself correct and even strict in his private life. Wilkes had shared their disgraceful orgies and dissolute life, competed with them in the infamous career of indecent conversation and profane wit, and now he appears as their accuser. He wrote and published bitter and malicious libels against his former friends, seasoned his papers with malicious wit, and by his reckless aspersions provoked a challenge which prevented him from bringing forward the motion in the lower house on the subject of his arrest, of which he had given notice. The commons, however, did not hesitate to deal with him more in the spirit of a tumultuous than a grave and deliberate assembly. On the 29th of January 1764, the house of commons

pronounced him guilty of having written No. 45 in the ‘North Briton,’ and adjudged him no longer fit to be a member of the house. Whilst this proceeding was taking place in the commons, Wilkes was accused in the upper house, the highest tribunal of the land, on account of his having been the author of another scandalous publication: this was his celebrated ‘Essay on Woman,’ which had been printed in his own house, a poem full of ribaldry and indecency, and a miserable parody on Pope’s ‘Essay on Man.’ The mover of the accusation in this case was lord Sandwich, one of the most disreputable persons among the whole body of the peers, although he has been praised by Cook and Forster, because, whilst he conducted the affairs of the admiralty with almost unexampled neglect, he nevertheless promoted voyages of discovery.

Wilkes’s poem was written in the style of the Parisian *roués*, unhappily too well known, from Voltaire’s *Pucelle* and Greecourt’s poems. The ground of complaint in this case was blasphemy and breach of privilege: he had been audacious enough to affix the names of Dr. Stone, archbishop of Armagh, and Dr. Warburton, bishop of Gloucester, to the notes which he subjoined; and as these were spiritual peers, this was regarded as a violation of the privileges of parliament. The poem, properly speaking, had never been published or sold, and it was with some trouble that a copy was procured to produce on the trial; and moreover, the persons who were loudest in their denunciations of the scandal were the very men who were chiefly instrumental in its existence. A double object was gained by this prosecution for blasphemy: the demagogue was made an object of hatred to the religious public as a blasphemer and a grossly immoral man, and the upper house was induced to send an address to the king, praying his majesty to order a prosecution to be instituted by the attorney-general against Wilkes as a malicious libeller. He was in consequence immediately prosecuted, and at the same time threatened with arrest by his numerous creditors, to whom he was now exposed, in consequence of the loss of his parliamentary privilege by expulsion; he therefore found it advisable to seek an asylum in France and wait for more favourable times.

Under these circumstances the prosecution against Wilkes, for his libels in the ‘North Briton,’ was necessarily carried on in his absence, and lord Mansfield, before whom the case was



tried, was accused of having acted in a manner just the reverse of that which had been pursued by chief-justice Pratt; he leaned in favour of the crown and against the accused. When the proceedings before the court were concluded, he suffered the attorney-general to make a change in the indictment and to substitute one word for another\*, which is often a matter of great importance in England, where so much depends upon the technical form. Wilkes was condemned in his absence; and after having been called, according to the usual form, to come and appear to receive the judgment of the court, a sentence of *outlawry* was pronounced against him. He remained in banishment for four years, till the disputes for the possession of the ministry respecting the Camarilla, who were accused of strengthening the king in his obstinacy, and finally the right of taxing the American colonies had reached such a pitch, that it was found necessary to suffer the chief demagogue to return, whose sins the people, whom he had roused, had speedily forgotten, and they contributed money for his support.

On lord Bute's removal from the ministry the king allowed Grenville to remain for two years (1763–1765) at the helm of affairs; but Grenville was of opinion, that as long as lord Bute lived in his previous and well-known state of intimacy with the king's mother, and as long as his nearest relations retained their places at court, he should always have reason to fear the influence of the former favourite. When it became necessary, therefore, to appoint a regency in consequence of a dangerous illness of the king, Grenville contrived at first to have the name of the king's mother altogether excluded from the council of regency, for the name was only afterwards inserted in the act of parliament on an amendment in the house of commons. King George, who soon recovered and assumed the reins of government, was greatly offended at this course on the part of his minister. Grenville ascribed the strong expressions used by the king on this subject to the three relations and friends of lord Bute, who had considerable influence at court. These were lord Bute's brother, Mr. Stuart Mackenzie, the duke of Northumberland, whose son had married Bute's daughter, and lord Holland, who had always defended Bute, and was esteemed a venal and ava-

\* He was allowed to strike out the word *purport*, and introduce *tenor* in its stead.



ricious man. Grenville's efforts to have these three persons removed from their places and influence led to a series of intrigues and of negotiations on the part of the king, sometimes with this party or head of a family and sometimes with that, till at length Rockingham and Newcastle allowed themselves to be employed in the formation of a new administration. Whilst Grenville was at the head of affairs, the first indications appeared of a serious dispute with the colonies.

The king himself, it was said, had first proposed to Grenville to tax the West India trade, and then he insisted that North America also should be compelled to contribute to the expense which fell upon the mother-country through the possession and protection of the colonies. We leave it undecided how great a personal share George III. had in the attempt to tax the colonies, and lay very little stress upon all the reports and gossip which Wraxall has written on the subject\*; the claim was not unfounded, because the seven years' war, which had been chiefly carried on for North America, had vastly increased the burthen of the English debt. The Americans made less objection to the tax itself or to the reasonableness of its amount, than to the recognition of the principle that they were liable to be taxed by the English parliament, that is, the oligarchical aristocracy. On his first attempt, therefore, however cautiously made, Grenville found a spirit of determined opposition in the democratic legislature of Massachusetts, an opposition which was not directed so much against the tax as against the principle involved, the claim of the British parliament to tax those who were not represented in it. By an act passed on the 5th of April 1764, the parliament first imposed a tax which indeed affected the West Indies more than the North American colonies; this was a tax on the importation of foreign sugar, indigo, coffee, cotton, silk, linen, port-wine, pimento, Spanish and Madeira wines; and at the same time the government made a declaration of their views respecting the application of the proceeds of these taxes. It was stated that the proceeds of these impositions, united with other taxes which had been previously laid upon America by former parliaments, was to form a particular fund in the treasury, from which, according to the will and arrangement of parliament,

\* 'Historical Memoirs of my own Time,' by W. Wraxall. 2nd Edit. 1815. Vol. i. pp. 477, 478.

those expenses were to be met which England was obliged to undertake in order to secure the colonies, to protect and to defend them by force of arms.

The minister now proposed a resolution that it would be expedient to impose certain *stamp* duties upon the colonies, with a view to raise a revenue, and the bill was postponed till the next session of parliament to give the provinces an opportunity of proposing a substitute, if they pleased, in some other way. This led to a constitutional dispute between the mother-country and the colonies, which from the first was of such a character as must have necessarily led to the ruin of both parties, had not the explanation of the points in dispute been for the present deferred, as actually took place under the succeeding ministry. At the end of the year 1764, the legislature of Massachusetts declared that the English parliament had no right and no power to impose duties or taxes on the colonies under any name or pretence whatsoever, and expressly added, that this was an attempt not only to encroach on the chartered rights of the colonies, but an attack upon the general rights of men. This only led the obstinate king, who was very jealous of his prerogative, to be more urgent with Grenville to give a practical contradiction to these democratic allegations on the part of the Americans and to carry through the *stamp* act. As the Americans did not propose to tax themselves, the English parliament afterwards listened to the proposal of a stamp-tax. The act establishing the tax was passed into a law by royal assent on the 22nd of March 1765, but it immediately led to a union of the whole of the thirteen old provinces of America to resist the new tax. On the suggestion of the assembly of Massachusetts, and especially of the people of Boston, a general congress was appointed to meet in New York in October 1765. At this meeting, complaints, petitions and representations to the king and both houses of parliament were drawn up and agreed upon, and resolutions were entered into not to use stamps or to import goods from England. In addition to this, a common resistance to the stamp-tax, which was to commence in November, was agreed upon. These resolutions and agreements led to a complete stoppage of trade, and the English creditors of the Americans, as well as the manufacturers who supplied their markets, were reduced to great perplexity. In November the whole of the stamps in America were destroyed, the shops of those who

received them for sale were attacked, and no one could be found bold enough to undertake the office of collector. The business of the law courts was either impeded or stopped for want of the necessary stamps, and criminal justice alone was administered; because, according to the law, no stamps were necessary in such proceedings. Business was completely interrupted, because stamps were employed in bills of lading and delivery\*.

About this time king George transferred the ministry to the whigs, because lord Grenville, notwithstanding his desire to please the king, insisted that lord Bute's friends and relations, Stuart Mackenzie, the duke of Northumberland and lord Holland, should be removed from their places. His majesty could not be prevailed on to take this step, and therefore looked around for persons to whom he could entrust the formation of a new ministry. There were only four persons at that time in England upon whom this duty and responsibility could devolve,—Shelburne, Pitt, Rockingham, and the duke of Newcastle. The king fixed his attention especially upon two of them; the one was the elder Pitt, whose personal distinction, knowledge of business and moral influence placed him at the head of a great and powerful party; the other was the duke of Newcastle, who, in consequence of his immense property, the number of his clients and relations, commanded a great number of votes in parliament. One of the two must be selected. Negotiations were carried on alternately with both parties, even in the palace of the princess of Wales: Pitt obstinately insisted upon a complete change, both of measures and men; Newcastle was more yielding, and joined the marquis of Rockingham and his partisans. This change of

\* The Americans undoubtedly offered to furnish a larger sum than the stamp-tax could produce, as Sparks has shown in the fourth chapter of his continuation of Franklin's Autobiography; they wished however to make a *voluntary* offering, Grenville to establish the *right* of taxation. See Part 2. pp. 270 to 316, of 'The Works of Benjamin Franklin, containing several Historical and Political Tracts not included in any former edition, and many Letters, official and private, not hitherto published, with Notes and a Life of the Author, by Jared Sparks. Boston, 1840. 10 vols. 8vo.' A single passage from a speech of Pitt, pronounced in 1766, proves that the question was one of principle, and that the seed of the revolutions of Europe, from 1788 to 1830, must then have been sown. He says, "Taxation is no part of the government or legislative power; the taxes are a voluntary gift and grant of the commons alone. The concurrence of the peers and of the crown is necessary only as a form of law. This house represents the commons of Great Britain. When in this house we give and grant therefore, we give and grant what is our own; but can we give and grant the property of the commons of America? It is an absurdity in terms."

ministry caused new commotions in the country, and called forth one loud and universal shout of reprobation at the violation of the constitution, because Pitt and his party were exclusively regarded as patriots. The chief reproach against the new ministry, an aristocratic triumvirate, was that of having left lord Bute in possession of a sinecure office, a rangership; and yet the marquis of Rockingham, who was at the head of the administration, was the most eager after popularity of any member in the upper house. His most renowned quality and his greatest talent consisted in being an admirable judge of horses; but he could also command much money and many votes and places in the house of commons. Besides, there never was in England, in this or in any other ministry, a deficiency of men of talents, ability and experience, take them from what party or at what period we will; and, as is well known, the change of ministers has no effect upon the staff of the public offices by whom the technical and practical business of the government is carried on.

The Rockingham administration, formed in July 1765, would willingly have recalled those imposts concerning which the Americans complained, but their views in this respect were opposed by all the stiff-necked English, and especially by the king, and the country must first be shamed into this measure by the most convincing reasons, as well as by the authority of a man at that time regarded as completely impartial. This was Benjamin Franklin, who was in London as agent of Pennsylvania at the time in which the ministry was assailed on all sides by addresses and petitions to repeal the *stamp act*. The case was so managed that Franklin was called to the bar of parliament, and there heard and interrogated respecting the circumstances of his country, in order that his practical, cautious, mild and prudently expressed counsels might be circulated over the whole country by means of the newspapers, and public opinion be thus gained in favour of a measure which had been previously determined on.

From the time in which Franklin was thus made the oracle of the people and of parliament by a British house of commons, he became one of the most important men in Europe, not merely for American affairs, but for the whole course of politics and diplomacy. He had raised himself from humble poverty to considerable wealth, and gained immortal renown by the improve-



ments which he had introduced into many of the institutions of his native land. His qualities were those of a sterling practical Englishman ; he directed his whole attention to the real and substantial objects of life, and therefore at a later period in France he laughed at the sentimentality, ideality and enthusiasm of the French in favour of the freedom which he announced, and even at the manner in which he himself was idolized ; but he was prudently silent, and availed himself of the Parisian *mode* for the promotion of his objects. He had now been for thirty years renowned in America as the founder of a printing establishment, the originator of widely circulated newspapers and journals, as a popular writer and moralist ; and in Europe for fifteen years as a natural philosopher, an acute observer and discoverer of some of the grand phænomena of the physical world. He had become strictly moral as soon as he renounced the sins of his youth, and was no longer straitened or weighed down by the pressure of poverty : he however knew the ways of men too well to feel himself always bound to walk on the narrow path, or to renounce the course of crooked policy when the attainment of an important object invited him to pursue it, provided he was not required to commit any flagrant violations of propriety.

As early as 1737 Franklin became an active member of the legislature of Pennsylvania, and founded printing establishments in the provinces by means of persons whom he supported with money, and with whom he shared the profits. In the period between 1747–1752 he made the grand discovery of the identity of lightning with the electric fluid, and succeeded in drawing sparks from the clouds : the same discovery was made contemporaneously in France by a person who had taken up Franklin's previous hints upon the subject. In the war from 1754–1763 he was the most important man in the thirteen provinces in political and literary affairs, for the English as well as for his fellow-countrymen, who were deeply indebted to him for their real progress in social life and intercourse. At that time he was a member of the Royal Society of London, and not only distinguished as the author of the letters to Collinson on electricity, but as a philosophical and political writer ; he was appointed agent of Pennsylvania in 1757, for the purpose of arranging some of the most important affairs connected with that state with the English ministry.

From that period Franklin, with short interruptions, sojourned



for fifteen years in London as agent of his country, and was soon in connexion with the whole world, not merely as a writer, philosopher and naturalist, but as a diplomatist: this gave him that degree of importance which induced first the Rockingham administration, and secondly the American democrats, to employ him for the attainment of their objects. Before he left England for the first time, in 1762, the honorary degree of doctor of laws was conferred upon him, first by the Scotch university of St. Andrew's, and secondly by the theological and politically hyper-orthodox university of Oxford; his son was appointed governor of New Jersey by Pitt, and Franklin consequently must appear impartial to the English; he held all the threads in his hand. The importance which Franklin had gained in the minds of all parties, and even with the English government during his first sojourn in London, induced the assembly of Pennsylvania, whose president he had previously been, to send him a second time to England as their agent in the case of the *stamp act*. He arrived in London early enough in 1764 to forward to the king the proposal of a voluntary contribution on the part of his countrymen before the royal assent was given to the stamp act, which took place in the beginning of the year 1765\*; but king George was not accustomed to give way when the question was connected with some imaginary prerogative, and the Rockingham ministry was obliged to guard against the supposition of concession on this point, even when it abolished the stamp act. Franklin was used as an instrument of the ministry in this case, when he was called to the bar of the house and examined as to his views respecting his country.

Franklin's appearance and examination before parliament in the year 1766 was generally regarded as the highest triumph of the doctrines and principles of a purely practical, experienced and sober-minded man over all the scholastic wisdom of Europe, over the sophistry and legal science of the middle ages; and his views were circulated not only by all the newspapers, but pub-

\* That Franklin was born to be a diplomatist—that he could hang up virtue on a peg when prudence demanded it, and again play the half-quaker where piety was the fashion—may be seen from his correspondence, published by Sparks: he proved all this in 1765. When Grenville called the agents of the provinces together, in order to name each a distributor of stamps for their respective provinces, Franklin *appeared*, and named John Hughes for Pennsylvania. That his conduct in this case was equivocal even Sparks remarks, when he says, p. 297, “This business was misrepresented at the time and artfully (?) turned to his disadvantage.”

lished in a separate form ; at the same time he contrived to satisfy the views of the ministry who had called him to the bar of the house. Their object was to reconcile the king and the great mass of their countrymen, who were tenacious of what was old, to the abolition of the stamp act, by a declaration of the two houses, affirming the right of parliament to impose taxes upon the colonies ; Franklin conceded this principle when he was examined on the subject. It was to him perfectly indifferent how the abolition was obtained if it was obtained quickly, for he well knew that his countrymen would regard such a declaration as mere words, and attach to it no importance whatsoever. The stamp act was therefore repealed in March 1766, but at the same time a declaratory resolution was passed by both houses, in which they asserted and defended the right of the mother-country to tax the colonies. The abolition of this hateful tax was received with loud rejoicings in America, and the *declaratory resolution* by which it was accompanied, however dreadful and hostile it might be in appearance, was regarded by the Americans as an appendage from which they might derive greater gain than loss. The English ministry at that time made every possible effort to reconcile all the malcontents with the government ; they repealed the *cider-tax*, which had given great dissatisfaction in England ; they published an amnesty to all those who were accused of being engaged in or abetting disturbances in America, and granted compensation to those who had been judicially punished or in other ways injured. All these measures however were as repugnant to the king and his rigidly aristocratical friends as they were disagreeable to the people ; the king therefore sought to form a new ministry by the instrumentality of his mother's friends ; that is, by the persons who were called by the English the *pandemonium* of Carlton House. The elder Pitt, from patriotism, now undertook the difficult task of forming an administration which might at the same time possess the favour of the king and that of the people ; he therefore first endeavoured to retain Rockingham in the ministry, and when he refused he applied to Shelburne.

In this new ministry, at whose head they were obliged to place such a man as the duke of Grafton, because they were unable to manage the parliament without the aid of his numerous clients and partisans, patriots like Pitt, now created earl of Chatham, and chief-justice Pratt, recently created earl of Cam-

den, were placed in a most difficult position between the king and these egotistical grandees. Grafton was appointed premier, Shelburne secretary of state, and Pitt keeper of the privy seal: the king was now able to rejoice in the restoration of all the friends and supporters of his obstinacy, or the friends and relations of lord Bute. Bute's private secretary Jenkinson was made a lord of the admiralty, and Stuart Mackenzie, Bute's brother, again appointed keeper of the great seal in Scotland. Lord Chatham sacrificed himself on this occasion, because he adopted half-measures and sanctioned such a patchwork cabinet; he thought to promote the interests of his country by conferring honours and advantages on the courtiers of Carlton House, and keeping the actual business in his own hands and in those of his patriotic friends. He soon reaped the fruits of that vexation, which every determined and honourable man will sooner or later experience if he attempts to tread the celebrated middle path, which can only be trodden with safety and success by ambitious sophists. Pitt, in a remarkable speech pronounced in 1770, admits that Bute's friends had betrayed him, and only made use of his name as one esteemed by the people, to conceal their egotistical views of monarchical and aristocratic avarice\*. Lord Chatham was obliged, against his will, to allow the domineering aristocracy, who were in possession of great estates, to relieve themselves by the diminution of the land-tax, at the very moment when the most oppressive taxes were laid upon the poorer classes. Gout, illness and vexation induced him in 1767, without laying down his office, to retire for a time from public affairs. During his retirement the king's confidential friends renewed his favourite scheme of binding the North Americans along with the English in the monarchical and aristocratic yoke of government taxation. Townshend, the chancellor of the exchequer, hit upon a new piece

\* On this occasion, lord Chatham in indignant terms spoke of "the secret influence of an invisible power, of a *favourite*, whose pernicious counsels had occasioned all the present unhappiness in the nation,—who had ruined every plan for the public good, and betrayed every man who had taken a responsible office." He said, "that there was no safety, no security against his power and malignity; that he himself had been duped when he least suspected treachery." In the closet, he said, he had invariably found everything *gracious* and amiable; he had received the most condescending *promises of support*. I own," said this illustrious statesman, "I was credulous, I was duped, I was deceived; I soon found there was no *original* administration to be suffered in this country. A long train of insidious practices convinced me, that there is something *behind* the throne GREATER than the THRONE *itself*."

of subtlety in favour of the plan of founding an exchequer for the expenses of American affairs from the pockets of the colonists themselves. The right of taxing the Americans, said the defenders of the royal views, may be disputable, but no one can deny that England has the right of imposing a tax *upon her own imports* into North America, and thus indirectly upon the North Americans. In 1767 a bill was passed for laying duties on glass, tea, paper and painters' colours, which were to be exclusively imported from England. It was foreseen that the Americans would protest against this new attempt, and would find many supporters in parliament: king George, therefore, wished to purify his ministry by getting rid of all those who were opposed to his opinion, and by the introduction of some new members. He wrote to lord Chatham on this subject as early as July 1767, who, notwithstanding his withdrawal from an active share in public affairs, was in constant correspondence with the duke of Grafton. The king called upon Chatham, as the creator of the ministry, to make the required changes in its constitution; lord Chatham however, on account of his health, declined to undertake the king's commission, and the relations to the colonies rendered it very difficult, at least during Townshend's life, to find persons who would maintain the king's views.

Townshend was no sooner dead, than there commenced under the duke of Grafton a most dreadful period of immoral domination, carried on by an aristocracy lost to all sense of modesty or shame. Lord North was appointed chancellor of the exchequer in the place of Townshend; Grafton remained at the head of the administration, which, from September 1767, exhibited an open contempt for public opinion, and established its dominion by securing and purchasing the votes and interest of those who are in exclusive possession of power in England at the expense of the deluded people, who were filled with vain and useless indignation. It was a subject of lamentation among all honourable men, that lord Chatham, ill or well, should have continued to lend his name to such an administration till October 1768. Lord North already possessed the chief influence; he was possessed of wit, talents and fluency of speech, and, above all, a brazen face and imperturbable indifference to all reproach, which, combined with moderate abilities, elevate the person who possesses them to the dignity of a statesman, who always knows how to hit the point where he can find support for



himself in the selfishness of others within the sphere of the great world with which he is intimately acquainted. Lord North, the earl of Sandwich and the duke of Grafton were universally compared with their prototypes, the extravagant, licentious and clever *roués* of Parisian high life, and with the duke d'Aiguillon. They equally despised the people, public opinion and morality. Their family and their friends were their country; court favour the goal, and the gratification of their insolence and pride the reward, at which they aimed. They selected the dry, cautious, calm and thoughtful Jenkinson as their chancellor of the exchequer, a man who was well acquainted with the interests of trade, navigation and manufactures, and an adept in finance. The new ministry caused a new parliament to be elected, or rather nominated, in May 1768, whose members consisted of persons determined to follow their friends and relatives in every evil course; but the ministry was not completely royal in its elements till Chatham and his friend Shelburne retired in October 1768.

The parliament of the year 1767 had nearly existed the whole of its legal term, when it was dissolved; and although the majority of the new house elected in 1768 was entirely devoted to the ministry, Rockingham's party formed a strong and active opposition, which became an object of fear as soon as lord Chatham and Shelburne separated from the government. The new elections also brought Wilkes back to England. After having remained in France for some years in consequence of his outlawry, he made a fawning application to the duke of Grafton, on his accession to the ministry, for pardon and permission to return; the duke however, as the former companion of his dissolute life, was too well acquainted with him to comply with his request, and in the moment of the election he was taken up by the opposition. His debts were paid, his means of existence secured, and in order to give greater weight and importance to his malicious wit, his ephemeral publications and his demagogical activity, he was to be brought into parliament, not for the small and insignificant borough of Aylesbury, but for the city of London, that is, as the chosen favourite of the popular masses. He became a candidate first for the city of London, where he failed, and immediately after started for Middlesex, where he was chosen. This election was celebrated with uncommon rejoicings, as a triumph gained by the people over the king and his ministry; Wilkes became the idol of the multitude, and was loaded with



honours of every description ; before however he could enter parliament, he was obliged to appear before the court and be purged of his outlawry.

The circumstances had changed since 1763 ; lord Mansfield, who served the king and the ministry with his legal cunning, was now chief-justice of the king's bench, before whom Wilkes appeared on the 20th of April. The court was now to review the cause in his presence, which had been determined against Wilkes in his absence. The court decided that no revision of his case could be granted till he appeared as a prisoner in the custody of the sheriff. He consequently surrendered himself as a prisoner on the 27th of the same month, and the attorney-general, as the representative of the government, on this occasion, probably intentionally, provoked a riot among the populace. The law officer of the crown, in opposition to the usual practice, refused to accept of bail in Wilkes's case, which every one expected would be certainly taken, as multitudes of people thronged all the approaches to the court and the neighbouring streets. In consequence of the refusal to accept bail, Wilkes was conveyed in custody to the king's bench prison, and the raging populace assailed the officers and set him at liberty. He was borne, or rather dragged away in triumph, but prudently returned to the place of his confinement, because he was desirous of avoiding all breaches of the public peace, whilst the people soon after made other threatening demonstrations on the first hint of those who were accustomed to raise, and knew how to organise such tumults. The mob assembled on the opening of parliament on the 10th of May, on which day Wilkes was obliged to be set at liberty in virtue of his parliamentary privilege. An immense multitude had assembled in the neighbourhood of the king's bench to hail his liberation ; the masses became restless, hooted the magistrates and the police, and finally, when the military were called out, the mob pelted them with stones. The riot act having been read, the soldiers fired on the people by the command of the magistrates, and no less than twenty persons lost their lives. This circumstance was turned to admirable account by the opponents of the government in order to excite and inflame the minds of the people with rage against the administration.

The new parliament had been only summoned for form's sake, and its meeting for business was prorogued till November ; in

the meantime Wilkes's cause was tried before the king's bench in June. The sittings of the court, the reports of the newspapers, and the vehement articles in the public journals gave rise to commotions which often resembled an organized rebellion. The trial was attended by unexampled masses of people, and occupied the court from the 10th till the 18th of June. Lord Mansfield, who had previously been an object of suspicion, by his behaviour on this trial rendered himself hateful to the people. Wilkes was found guilty, sentenced to two years' imprisonment, and to pay a fine of 500*l.* as the author of No. 45 in the 'North Briton,' and a sum of equal amount for another obscene libel; in addition to this, he was required to find bail for seven years for his good behaviour, himself in 1000*l.*, and two other securities in 500*l.* each. The sentence was severe\*, and the appeal to the house of lords appeared therefore to point to new troubles during the winter, because it was evidently made a party affair, and the heavy costs of the appeal must be certainly paid from some other source than from the pocket of the appellant. Before the appeal came to a hearing, lord Weymouth, who was now secretary of state for the home department, by his great imprudence furnished Wilkes with a new opportunity of again rousing the indignation of the people against the king and the ministry.

After the riot which took place on the occasion of Wilkes's liberation from the king's bench at the opening of parliament, and the manner in which it was put down by the magistrates, lord Weymouth, as secretary of state, wrote a private circular to the magistrates thanking them for the energy which they had displayed, or, as his opponents said, and Wilkes published, for having committed "a horrid massacre." Wilkes, having procured a copy of this document, published it with an inflammatory preface, in which he used the phrase just attributed to him, and other bitter and malicious expressions. On the reopening of parliament, this publication, on the formal complaint of lord Weymouth, was treated as a breach of privilege; and Wilkes was condemned in expressions which bear the stamp of the indignation of an offended party rather than the deliberative decision of a judge†. Parliament did not even rest here; lord Barrington, secretary at war, further moved, that Wilkes should

\* See Howel's Complete Collection of State Trials, vol. xix. London, 1813.

† It was resolved, that "the prefatory introduction is an insolent, scandalous and seditious libel."

be declared unworthy of a seat in parliament as a convicted slanderer, and the motion was carried. At Wilkes's request the house of commons consented that the question should be again brought forward eight days afterwards. This gave rise to long and stormy debates; the discussion was several times adjourned, and was only at last brought to a conclusion at the end of January 1769. In the meantime the upper house had rejected Wilkes's appeal on the 16th of January, and confirmed the judgment of the court of king's bench; in February the resolutions recently voted by the commons, on account of his exclusion from parliament, were also confirmed, and a new election was ordered for a member in his stead.

The period between Wilkes's expulsion and the new election for Middlesex resembled a formal revolution. During the whole month of March all peaceful citizens were in a state of continual anxiety, because the opposition excited almost daily commotions among the people, and the government party seized upon every opportunity of employing military force. On this occasion the execution of Charles I. and the erection of the republic of the seventeenth century were solemnly enacted in the very precincts of the palace, as an insult to the king. Thousands of men assembled in St. George's Fields, and marched from thence to the palace, in order to perform this farce. They advanced into the precincts of the palace, brought a coffin with them, and erected a scaffold, on which the scene of the execution was represented. It was said, with what truth we know not, that lord Mountnorris, with veiled face and an axe in his hand, allowed himself to be employed on this occasion as the representative of the executioner. The ministry took advantage of the assembly in St. George's Fields, according to Wilkes's language, to commit another "horrid massacre"; that is, the magistrates, according to the regular forms of law having commanded the people to disperse, ordered the soldiers to fire upon the multitude.

At this moment there appeared a man upon the stage of public life, whose name has still remained a secret, but who in respect of talents, eloquence and unsparing malice, and especially because, like Mirabeau, he speculated upon democracy under the appearance of a zeal for freedom and rights, and wrote against the aristocracy, to whom he belonged, may be best compared with Mauvillon's celebrated friend, the orator of the revolution. This Englishman, who adopted the name of Junius, poured oil

on the glowing fire. On the occasion of these disturbances and of the unexampled measures taken by the parliament, there appeared in the 'Public Advertiser,' from January 1769, a series of letters against the king and the ministry, written by a man who was intimately acquainted with the court, the state of public affairs and persons, with the constitution, and public and private rights. As master-pieces of English style, vigorous writing, and correctness of language, these letters may be compared with Rousseau's Letters from the Mountain and with that to the Archbishop of Paris, for their vehemence with Mirabeau's speeches alone, and for their severity and malice with Marat's 'Friend of the People' (*L'Ami de Peuple*). In these letters, the English constitution was represented for the first time in that light which is now contemptuously called *radical*; that is, the fundamental element of the constitution, the Saxon rights of the people, were placed in strong contrast with the Norman privileges of the nobility, which introduced into England all the principles of the feudal monarchies of the middle ages, and which finally degenerated into a pure landed aristocracy. These letters fell like thunderbolts, partly because the view was new and obvious, and partly because these letters, short, clear, and written in an incomparable style, tore away the veil from the history of the times, and sometimes brought the truth to light with unexampled boldness, and sometimes calumniated the most distinguished persons with revolutionary daring. The journal in which these letters were published had an immense circulation, and their appearance formed a new epoch in English history, however contemptuously such persons as lord Brougham are accustomed to speak of their cutting manner, which he and his compeers would willingly reserve for their own vain and presumptuous use.

The first of these letters appeared on the 21st of January 1769, and immediately announced the dissemination of a *new constitutional doctrine*. Here for the first time we meet with an impartial judgement pronounced upon Montesquieu, the idol of all the admirers of English aristocracy and hierarchy within and without England. It is there said, in reference to his eulogies upon the constitution, "prejudices and passion have sometimes carried it (loyalty) to a criminal length; and whatever foreigners may imagine, we know that Englishmen have erred as much in a mistaken zeal for particular persons and families, as they ever did in defence of what they thought most dear and interesting



to themselves.” Each of the following letters came like a flash of lightning; each of them, in spite of the injustice and the calumnies, which are, and always will remain inseparable from revolutionary writings,—each of them announced a new era, in which measures were to be taken for the well-being of the whole, and not for the comfortable enjoyment and repose of the chosen few;—an era, in which the rich and the poor were to be equal before the law, not upon paper only but in life, and in which the burthens of the state were to be laid upon the shoulders of the rich and powerful, and not to weigh down and oppress the poor and the labouring classes.

Sir William Draper\*, by his weak and lame defence of the ministers, called forth a second letter from Junius, not to be surpassed for eloquence, severity, vigour and purity of language; and others followed on various occasions in the succeeding years. The real author of these letters has remained to the present day a secret; the English have taken immense pains to ascertain this point, and the most various conjectures have been entertained. A German†, who became a naturalized Englishman and emigrated to America, has written a whole volume upon the subject; in fact, as many books have been written upon the question, “Who was the author of Junius’s Letters?” as upon the situation of the garden of Eden, the place where Hermann conquered Varus, the building of the pyramids, the place where Hannibal crossed the Alps, or the primitive history of the human race. The publisher of the paper, whose fortune was made by these letters, did not know their author, but he unquestionably belonged to the most distinguished statesmen of England; for it is obvious from the letters themselves, that he was thoroughly acquainted with all the consultations and anecdotes, and with all that was passing in the higher circles of political life. The very first letter is powerfully exciting, and in this respect can only be compared with Rousseau’s Letters from the Mountain; the government were attacked with irresistible vehemence. We sub-

\* Sir William Draper, a poor dwarf, having entered the lists with the giant Junius, and provoked an answer, others also appeared upon the field, whom he successively overthrew. In this way a whole volume was formed from the single letters which from time to time appeared in the ‘Public Advertiser.’ The letters and the answers were repeatedly printed together, especially because they served to explain one another. The enemies as well as friends of Junius admit that his letters are master-pieces of style and language.

† [Lieber.—TRANS.]

join the concluding passage of the first letter\*, in order to show, that although the author of these letters always speaks with contempt of Wilkes, he attacked the ministry of the duke of Grafton with as much vehemence as that of Bertrand de Moleville was attacked by the Girondists in France. The parliament, that is, all those who were powerful from wealth, family influence, legal learning and landed estates, followed the ministry of the day on all the crooked paths which the latter pursued for the attainment of their objects; and this furnished the able and vehement author of the Letters with an occasion for tracing out the origin of the degeneracy of the constitution, and for placing the democratic element of ancient times in opposition to the aristocratic one of modern times.

The ministry and parliament regarded the commotion as the result of a mere intrigue on the part of Shelburne, Rockingham and their party, which was partly true; for thereby alone the miserable Wilkes obtained a position, by virtue of which he was chosen alderman, and afterwards lord mayor of London. Notwithstanding the resolution of parliament, the electors of Middlesex returned him a second time for their member, and the parliament a second time declared him incapable of sitting during that parliament, and ordered a writ for a new election. This gave rise to violent commotions, because neither the people nor the parliament would give way. Wilkes's independence had now been secured by subscriptions. In defiance of the repeated resolutions of parliament, the electors of Middlesex returned him a third time in March, by an immense majority over his opponent colonel Luttrell, who had been induced by the government to resign his seat for a close borough in order to contest the county of Middlesex with Wilkes, and to brave the fury of the populace.

In spite of all the exertions of the government, Luttrell only obtained 296 votes, while Wilkes received the support of 1243.

\* "If, by the immediate interposition of Providence, it were possible for us to escape a crisis so full of terror and despair, posterity will not believe the history of the present times. They will either conclude that our distresses were imaginary, or that we had the good fortune to be governed by men of acknowledged integrity and wisdom; they will not believe it possible that their ancestors could have survived, or recovered from so desperate a condition, while a duke of Grafton was prime minister, a lord North chancellor of the exchequer, a Weymouth and a Hillsborough secretaries of state, a Granby commander-in-chief, and a Mansfield chief criminal judge of the kingdom."

Two days after the election (15th of April), parliament ventured on the bold step of again excluding Wilkes, of ordering the return to be amended, and declaring Luttrell to be duly elected. The petition presented against this step was indeed received, and gave rise to a long and vehement debate, but on the 8th of May the resolution was finally confirmed.

This step gave the question a new aspect and led to further commotions, in consequence of the alleged violation of the constitution. The manner in which the subject was treated by Junius, the obstinacy of the narrow-minded monarch, the boldness of the ministers, and the severe expressions which they put into the mouth of the king, when addresses and representations were presented to him (which were often unjust), awakened the slumbering embers into new flames. We subjoin a short extract from one of Junius's letters, as an example of the manner in which the people were encouraged and almost worked up to open rebellion from April till November 1769, in which the failures and defects of Grafton were mercilessly revealed, and Wilkes's case employed to reduce the government to despair. The writer reproaches the duke of Grafton with having ruined his own cause by the manner in which he had brought Luttrell into parliament instead of Wilkes\*.

Up till this time Wilkes's action against the secretary of state had still remained pending, whilst those against the messengers and the under-secretary had been issued before his flight to France; he now revived his action for damages against lord Halifax. This furnished Junius with materials for the remainder of the year, and Wilkes's name was never absent from the newspapers, till at length the cause was heard in the court of common pleas before chief-justice Wilmot, lord Halifax found guilty

\* "This measure, my lord, is however attended with one consequence favourable to the people, which I am persuaded you did not foresee. While the contest lay between the ministry and Mr. Wilkes, his situation and private character gave you advantages over him which common candour, if not the memory of your former friendship, should have forbidden you to make use of. To religious men, you had an opportunity of exaggerating the irregularities of his past life; to moderate men, you held forth the pernicious consequences of faction. Men who, with this character, looked no further than to the object before them, were not dissatisfied at seeing Mr. Wilkes excluded from parliament. You have now taken care to shift the question, or rather you have created a new one, in which Mr. Wilkes is no more concerned than any other English gentleman. You have united this country against you on one grand constitutional point, on the decision of which our existence as a free people absolutely depends."

and condemned to pay 4000*l.* damages. The king was imprudent enough to pay this sum also, as he had done the previous fines, from his privy purse, as if the affair was personal and did not concern the secretary of state as a public officer.

The feelings of the people were so excited by the elections, the prosecutions, as well as the course pursued by the king and his ministers at the close of the year 1769, that the city of London was almost in a state of open rebellion against the government and the parliament, before parliament again assembled in January 1770, and the case of the election was again discussed. In the addresses which were presented to the king on this occasion by the citizens of London, there breathed the same spirit, and the same language was employed which at a later period preceded the downfall of the monarchy in France. The letter which appeared in the ‘Public Advertiser,’ addressed to the king, was completely democratic and revolutionary, and by the energy of its language electrified the whole country. At the close of this letter, printed in December 1769, revolution was in some measure formally threatened. Lord Chatham, although he had remained above a year and a half in the ministry along with the duke of Grafton, expressed himself afterwards in the house of lords in language almost more bold respecting the king and the steps which had been taken by the commons than had been done by Junius himself\*. Lord Camden could, no more than his friend lord Chatham, remain in a ministry which made it its honour and boast to treat all morality and decency with open contempt. The duke of Grafton had not arrived at the same pitch of shamelessness as lord North and the earl of Sandwich, for he was vexed and ashamed, feelings which, as is well known, ought not to be allowed to annoy great statesmen. It was reported that Bradshaw, who was then secretary to the treasury, alleged that Junius’s Letters alone had compelled the duke of

\* We shall quote a short passage from the 35th letter of Junius and another from lord Chatham’s speech. In the former it is said, “We cannot long be deluded by nominal distinctions. The name of Stuart of itself is contemptible; armed with the sovereign authority, their principles are formidable. *The prince who imitates their conduct should be warned by their example, and while he plumes himself upon the security of his title to the crown, should remember that as it was acquired by one revolution it may be lost by another.*” Lord Chatham: “Tyranny, my lords, is in no shape so formidable as where it is assumed and exercised by a number of tyrants. But, my lords, this is not the constitution; for we all know that the first principle of the constitution is, that the subject shall not be governed by the arbitrium of any one man or body of men, but by certain laws, to which he has virtually given his assent.”



Grafton to resign his place at the head of the cabinet, for that every one of these letters produced such an effect upon him as to render him incapable for several days of attending to business. Grafton resigned his office on the 28th of January 1770, when the helm of affairs was undertaken by lord North, who furnished an admirable model for the ministers who have ruled in France since 1830. He must undoubtedly have possessed all those talents by which ministers are especially distinguished above other men; these however can only be seen by a diplomatist in their true light; all others are incapable of forming an opinion, and judge them with the greatest injustice. Lord North met with no obstructions on the part of the king, if he could only contrive, by means of money, offices and sinecures, to purchase a selfish and venal parliament; for the pious man regarded his cause as the cause of God, and was firmly convinced that all the opponents of his measures sinned against God and his anointed.

The new English ministry was abused by all parties, and became an object of deadly hatred to the people; yet it maintained its ground under the most trying and difficult circumstances for three parliaments. The most eloquent speakers who appeared in England during the eighteenth century taxed all their energies and put forth all their powers for its overthrow, but in vain. The continuance of this ministry, like the history of Talleyrand's life, again recalls to mind Machiavelli's principle, that in politics God is favourable to the strong and the unprincipled alone, and destroys the weak and the timorous. Looking to the success of the effort alone, as men usually do, we cannot but admire the wit and wonder at the boldness of lord North, because, at the head of a ministry formed under the most unfavourable circumstances and denounced by every one, he was able to rule according to the obstinate will and headstrong wishes of a narrow-minded king such as George III. was. The North administration was formed at the very moment in which petitions and addresses were pouring in upon the king, when affairs wore a most threatening aspect, and the case of the Middlesex election in January 1770 excited new storms in parliament.

Lord North had been chancellor of the exchequer in Grafton's administration; and the duke no sooner resigned (to take office again on the next opportunity) than he was appointed first lord of the treasury and prime minister. The new ministry had a

decided majority in parliament, and a majority which supported it with the greater constancy, as it appeared from all the petitions and addresses of the citizens of London that a wild democratic spirit had pervaded the middle classes, and therefore they perceived that great energy must be displayed in order to maintain the hierarchy, feudal power, and all the Norman portion of the constitution founded upon this, till the people should become weary of excitement. In March 1770, the citizens of London exhibited such a spirit, and presented addresses couched in such strong expressions, that they might have been regarded as actually revolutionary, if every one in England had not known well that the merchants, traders and lawyers, who set such things on foot, were by far too anxious for the preservation of their wealth and their comforts to allow things to come to extremities.

On the 24th of March, one of the boldest addresses which had ever been drawn up and presented to an English king since the time of Charles and the revolution was presented to king George with unusual ceremony. The lord mayor, sheriffs, aldermen and common council, with all the officers of the corporation, in their robes, accompanied by an immense number of wealthy and substantial citizens, who testified their concurrence by their presence, carried up an address to the throne, which was as surprising for its contents as for the pomp and ceremony with which it was presented. In this address a history of the conduct of those ministers who were chosen by the king and supported by the parliament, by a majority of which they were kept in their places, was described in the spirit and language of Junius; finally, it remarked, that the only judge which could be removed at the pleasure of the crown (the chancellor, lord Camden) had been dismissed because he had defended the laws and the constitution in parliament; that under all former ministries (alluding to the king and lord Bute) a secret and evil influence had obstructed every good, given bad counsels, and, by a majority in the house of commons, robbed the people of their dearest rights. “The house of commons (it is stated expressly in the *remonstrance*) have done a deed more ruinous in its consequences than the levying of ship-money by Charles I. or the dispensing power assumed by James II., a deed which must vitiate all the proceedings of this parliament; for the acts of the

legislature can no more be valid without a legal house of commons than without a legal prince on the throne." The right of making laws was alleged to belong exclusively and essentially to the representatives of the people, and that right must cease whenever it can be proved that many members of parliament are no longer representatives of the people. "*And the time has now arrived when the House of Commons are clearly no longer representatives of the people.*"

The ministers yielded so blindly to the narrow-minded views of the king, who always regarded subjects as personal which should have been merely politically considered, that they put an answer into his mouth on this occasion which only contributed to increase the discontent. This answer was extremely offensive to the citizens of London, who did not therefore hesitate in May to return rudeness for rudeness. The ministers suffered the king to answer,—“That the contents of the remonstrance were disrespectful to himself, injurious to parliament, and irreconcilable to the principles of the constitution.”

The conduct of parliament in annulling the Middlesex election and receiving Luttrell into the house, as well as the king's answer to the common council of the city of London, were again brought before the house in May, and led to a violent discussion. Lord Chatham made a speech respecting Wilkes's case in the house of lords, and a motion, which however was rejected; and on the 4th of May a debate took place in the lower house on the subject of the king's answer. A motion was made with a view to a vote of censure on the persons who had advised the king in this affair. When this subject was previously discussed in parliament, Beckford, who was then lord mayor, and well known as a republican and democrat, avowed himself to be the author of the address which was drawn up in such strong and unjustifiable terms; and the aristocratic parliament therefore must necessarily support the cause of the king. They had already declared their views upon the address in very strong expressions, in which they asserted, that “to deny the legality of the present parliament, or to assert its acts to be invalid, was unwarrantable, and tended to destroy the allegiance of the subjects.” They followed this up by a joint address to the king, thanking him for his conduct on the occasion. Lord North could now place the most confident reliance on the support of

parliament, and quietly disregard the new democratic manifestation made by the lord mayor and corporation of London, because the infallible effect of exaggerated and ridiculous complaints could not be long in showing itself. On the 23rd of May, the lord mayor, aldermen and common council presented a third address to the throne, in which they expressed their regret at the heavy displeasure under which they had fallen with his majesty in consequence of the sentiments expressed in their late petition and remonstrance, to which however they asserted they still adhered, and they again prayed his majesty to dissolve the present parliament. Beckford was not even satisfied with this; he pursued a course which excited a greater excitement and amazement in the audience-chamber of the palace, among Englishmen, by whom the forms of life are regarded as of more importance than life itself, and among whom every step, movement and article of dress in public and private life are minutely prescribed, than a mutiny or a massacre would have done elsewhere.

The king, who is always the mere mouthpiece of the government, and must read what is put into his hand by his responsible advisers, was not a man possessed of sufficient presence of mind to rely upon his own resources in any sudden case of emergency. His education had been too limited and his powers were too weak to enable him to give any suitable and immediate reply to any question or address out of the usual course. In his official answer to the lord mayor he declared, "that he should have been wanting to the public as well as to himself had he not expressed his dissatisfaction at their late address, and that he should ill deserve to be considered as the father of his people, could he suffer himself to be prevailed upon to make such a use of his prerogative as was inconsistent with the interest and dangerous to the constitution of the kingdom." Beckford, who presented the petition, was not satisfied with this official answer, and in despite of all the forms observed on such occasions, demanded permission to answer the king; and availing himself of the king's confusion and incompetency, he proceeded to deliver a democratic address in the presence of the whole court, precisely in the style of those which were accustomed to be made by Petion, mayor of Paris, at the close of 1791. The conclusion of the speech, which recalls the revolution which brought



Charles I. to the scaffold, may serve as a specimen of the whole, and we shall therefore subjoin the passage in a note\*.

The king was accused of having smiled ironically during the reading of the address, and on the other hand was said to have been so annoyed at Beckford's speech as to have become red in the face with indignation. Having however shown himself deficient in presence of mind, he was obliged to swallow his resentment. The ministers immediately took means to prevent the repetition of such a breach of etiquette, and of guarding the king's ears against the unpleasant announcement of the plain truth in the stern accents of any ordinary citizen. They caused it to be announced to the lord mayor, who came up shortly afterwards to present an address of congratulation on the birth of a princess, that having already recently transgressed the usages and etiquette of the court by a personal address to his majesty after having read the address of the corporation, his majesty expected that no such breach of decorum should again take place.

The wrangling and disputes between the government and the traders and lawyers of London would not at any other time have been worthy of mention in a general history, but at a period when a new era began in Europe these things are deserving of notice as signs of the times. The servile newspapers of the continent, which are published under the strict superintendence of the police, were obliged at least to mention all these anti-monarchical manifestations, and occasionally to explain why the people in England were not prevented from speaking about and discussing all these matters, as was the case in France and Germany. In this way the servile and obedient Germans heard and read occasional notices of the grand principles of the rights of man announced and maintained by the Americans, of freedom of speech in parliament, of Junius's Letters, and of the rudeness and audacity of the lord mayor, along with their own interesting local intelligence of the journeys, hunting parties, reviews, operas, balls, plays, orders and festivities of their sovereign lords and princes; everything, however,

\* "Permit me, sire, further to observe, that whoever has already dared, or shall hereafter endeavour, by false insinuations and suggestions, to alienate your majesty's affections from your loyal subjects in general, and from the city of London in particular, is an enemy to your majesty's person and family, a violator of the public peace, and a betrayer of our happy constitution, as it was established at the GLORIOUS and NECESSARY REVOLUTION."

touching the question of freedom was uniformly accompanied with a comment and abuse of demagogues. Notwithstanding all this democratic excitement and these popular commotions, the aristocracy and hierarchy in England were not seriously endangered; for Montesquieu's *Anglomania* was not only revered like the gospel in England, but even by a great and powerful party in the constituent assembly of France.

The English ministry, or rather king George and those who belonged to the pandæmonium in Carlton House, were moreover not only accused of undermining the constitution by attempts to diminish and overrule the liberties of the people at home, but of filling all the offices of the state with incapable persons and corrupt men for mere party purposes, and securing the influence of those whose friends constituted their majority, and thus degrading the nation in the eyes of foreign powers. Three objections were brought forward affecting questions of foreign policy, against all those ministries which had been in power since the peace of Paris: the first was the negligence of government in not enforcing the payment of the sum stipulated for the ransom of Manilla; secondly, the neglect of Corsica and its claims on sympathy and support; and thirdly, the arrangement of the disputes with Spain on the subject of the Falkland islands. In the last war the English had sent an expedition against the Philippine islands, and Sir William Draper at the head of an English army and a fleet reduced Manilla, which contained immense wealth. The city was taken by force and not surrendered by capitulation, and therefore liable to be plundered: the Spaniards took measures to avoid this calamity by negotiation and ransom. The English agreed to relinquish their right to plunder the city on payment of a round sum of 4,000,000 of dollars. This was a greater amount than the island was immediately able to produce in cash, and above one-half of the money still remained unpaid on the arrival of the news of the peace of Paris. This gave affairs a new turn, and the governor gave the English bills upon the Spanish treasury for the money still unpaid, in order to induce them as speedily as possible to withdraw from the islands. The Spanish government suffered these bills to be protested, and all attempts on the part of England to obtain the amount on behalf of their admirals and sailors, officers and soldiers, were for years attended with no results. Sir William Draper was not therefore more fortunate in this affair than he

was in his political campaign against Junius. The government could not and would not commence a war on account of the prize-money, and Sir William, with his officers, soldiers and sailors, was obliged to be satisfied with the assurances and promises of the king's ministers, which were no more fulfilled than those of the Spaniards.

In the case of Corsica, the king and his ministers were reproached with having intentionally failed in giving any encouragement or rendering any aid in the heroic struggle for freedom and independence which had been carried on in that island. During the seven years' war, incessant hostilities had been carried on between the Genoese and the Corsicans, and the latter resisted all attempts on the part of the former to reduce them to their previous obedience and subjection. In this contest, Europe, and the English public in particular, espoused the cause of the Corsicans, who were ably headed by general Paoli, but king George and lord Bute declared themselves in favour of their oppressors. In the year 1762 the English ministry issued a proclamation, in which all the subjects of Great Britain were prohibited from giving aid or assistance in any manner whatsoever to those whom the government denominated *Corsican rebels*. The Genoese, weary of the long war, immediately afterwards sold their rights to the possession of the island to France, and the Corsicans commenced their celebrated struggle against the overpowering force of the French. In consequence of his noble stand in the cause of freedom, and his heroic defence of his country against its invaders and oppressors, general Paoli gained a high reputation both in Europe and America. During this contest, the Corsicans applied to the renowned J.-J. Rousseau, the speculative democrat, to draw up the plan of a constitution for their adoption; Rousseau's ideas of the circumstances of men as they really are and will always remain and of the history of mankind were purely fanciful, and he was on this occasion at least prudent enough not to undertake the task. The English at first appeared as if they were disposed to take up the cause of the suffering and brave Corsicans and to protect them against the aggressions of France; this was the more probable, as it was no secret that Choiseul had come to an understanding with the Spanish government, to take advantage of the first opportunity to commence a new war with England. The duke of Grafton, instead of rendering active

and seasonable aid, hesitated and negotiated, and thus the affair was prolonged till the islanders were overpowered by the French, and Paoli obliged to seek an asylum in England. The ministers then indeed became ashamed, and sought to bury the whole of this business, as well as that concerning the ransom of Manilla, in oblivion. Paoli was received with the greatest marks of public respect in England as a Corsican hero, and received a pension from the government, in order to keep him quiet. This took place in the year 1768, at a time when the whole attention of the government was absorbed with the elections; in the following year Choiseul and the Spaniards brought king George and his ministers into new difficulties.

In the year 1769, Choiseul at length fulfilled the promise of his court, to grant some compensation to the Spaniards for the loss which they had sustained by the cession of Louisiana according to the conditions of the peace of Paris, and the Spaniards, relying upon their union with France, had had recourse to acts of violence against the English settlers in the Falkland islands, which at another time would have been avenged by open hostilities on the part of England. Lord Anson, or rather the author who had been commissioned to edit and fashion the account of his voyages, varied and interspersed the dry, nautical and practical notices of the admiral with many a romantic and idyllic description drawn from the resources of his own imagination. By his romantic accounts of the Ladrone islands he so delighted and charmed Rousseau, that the latter, in his 'Heloise,' tried to emulate him in the description of enchanting scenery. The same writer had exercised his art, and given play to his romantic imagination in a description of the Malouines, now known as the Falkland isles. The impression produced in England was so great, that a resolution had been taken as early as 1748 to colonise the islands, or at least to establish a settlement on the coasts. This measure was deferred in consequence of strong representations made by the Spanish minister Carvajal, who was jealous of an English settlement in this quarter, and especially dreaded the facilities which it would afford for smuggling. The French having afterwards attempted to found a settlement, the English again took up the idea and carried their former plan into effect. Choiseul caused a position to be taken on the islands by the celebrated French circumnavigator Bougainville in 1764, and called the harbour which they selected Port Louis. The island



selected by the English lay to the westward of the French settlement, and the port selected by Byron, the officer in command, was named Port Egmont in honour of lord Egmont, who was then first lord of the admiralty.

Spain was at that time as anxious and jealous of any intercourse with her colonies, as she was watchful of the faith of her people: the Spanish government, therefore, sent some urgent remonstrances against these settlements, and Choiseul directed Bougainville to concede the point and to bring away the colonists whom he had left on the islands: the English settlers however repulsed the Spaniards by force. After various intimations on the part of the Spaniards to English officers who were found in these latitudes, the governor of Buenos Ayres embarked 1500 men, and landed them on the islands near the English settlement in June 1769, overpowered the few English who were at Port Egmont and took possession of their four pieces of cannon. Two sloops of war which were in the harbour were also detained, in order that the news might not reach the English secretary of state till it was communicated by the Spanish ambassador. Choiseul and the Spanish ministry unquestionably expected a declaration of war on the part of England, which would have been an object of as much pleasure to them, as it would have been disagreeable and lamentable to the king of France; preparations for hostilities were indeed made in England, but the government by their conduct left no room to doubt that they were ready to be appeased by a very moderate satisfaction. Negotiations respecting the nature and extent of the satisfaction were commenced, and these were prolonged till Choiseul was removed from the ministry and the conduct of French foreign affairs entrusted to the duke d'Aiguillon, who, like lord North and the duke of Grafton, was more deeply interested about the personal views of the king than jealous of the honour of his nation. The French and English ministers therefore speedily came to an understanding. Lord North was anxious that all grounds for a war should be removed, but king Charles III. and Grimaldi were unwilling to make concessions; the English government therefore hit upon the notable expedient of sending a secret embassy to king Louis, to induce him formally to compel his ally to make satisfaction for the offence done to the honour of England, which they promised the English would afterwards forego.

The means employed by the English government to avoid the necessity of a war with Spain, and consequently with France, were so disgraceful, that care was taken that no document should remain which might bear witness to their character, or which might be called for and laid before parliament; Sir William Gordon, therefore, was entrusted with a secret verbal commission to Paris. The only historical trace of this transaction is to be found in the books of the treasury. Sir William was rewarded for conducting this shameful negotiation in Paris, by which France was induced to compel the Spaniards to give an apparent satisfaction that the English cabinet might be able to excuse their conduct to the people and parliament, not only by the present of a thousand pounds from the king, but his name found its way into the pension list, with an annual appendage of 300*l.* per annum; he never rendered any services to the state for which such a pension or any pension could be given. King Louis XV. and the duke d'Aiguillon fell in with the proposal, and Spain was obliged to allow herself to be made a tool for the mere purpose of deluding the English nation. The Spaniards therefore restored Port Egmont, and the English appeared to insist upon their right of establishing a colony in the Falkland islands; but the settlement was afterwards voluntarily relinquished, according to the terms of the secret agreement, under the pretence that its continued maintenance was too costly, and calculated to provoke and embitter the Spaniards against England without any advantage. These intrigues, which perhaps at other times would have been regarded as the height of diplomatic sagacity, were now made grounds of bitter accusation against the king and the ministry; they were accused of being traitors to the country and its honour, and attacked in the most hostile and dreadful manner. We shall perhaps best convey an idea of the spirit in which this attack was made, by a passage from one of Junius's letters in reference to this point: "A foreign war might embarrass, an unfavourable event might ruin the minister, and defeat the deep-laid scheme of policy to which he and his associates owe their employments. Rather than suffer the execution of that scheme to be delayed or interrupted, the king has been advised to make a public surrender, a solemn sacrifice in the face of all Europe, not only of the interests of his subjects, but of his own personal reputation, and of the dignity of that crown which his predeces-

sors have worn with honour. 'These are strong terms, sir, but they are supported by fact and argument.'

The minister besides knew the disposition of the English people and the power of illusion and wealth too well, not to treat this empty alarm, which was the only result of their indignation, with contempt, as long as the party of the aristocracy which was opposed to their interests did not give the matter importance. The king indeed never recovered the confidence of the nation, even when the cause of the chief complaints was removed. In this year (1772) the princess of Wales, the king's mother, died, and with her death all appearance of the secret and unconstitutional influence of lord Bute ceased: he retired to his country-seat at Luton in Bedfordshire, and enjoyed the pleasures of retirement in this magnificent residence till his death in 1794. It was subsequently alleged that Jenkinson, afterwards lord Liverpool, and Bradshaw, secretary at war, furnished the king with those counsels which he needed in order to follow up and give effect to his own narrow-minded views, without any regard to public opinion.

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## § II.

### REVOLT OF THE AMERICAN COLONIES AND DISPUTES WITH THE CITIZENS OF LONDON TILL 1776.

The disputes with the North American colonies had been renewed by the imposition of certain duties on all goods which were destined for the provinces, and by the reservation of the duty on *tea*, which had been especially excepted from the repeal which was extended to other articles with which it had been previously included. The Americans on their part resolved to purchase no articles on which special duties were imposed, whether in England or America. With respect to the duty on tea, the arrangement for collecting the duty in England could easily have been carried into effect by an agreement among the few wholesale dealers who exported to America and purchased their teas at the great sales of the East India House; this facility led lord North to imagine that he had found a means of preserving intact the right of taxation and at the same time of restoring the English trade with America: his ministry resolved to repeal the

duty upon glass, paper, painters' colours, &c., but to retain that upon *tea*, as a means of asserting and maintaining the principle of the supremacy of the mother-country. At the same time in which lord North announced the one fact, he proclaimed the other also in one of those parliamentary speeches calculated for the well-known insolence and domineering spirit of the rich people who constitute the governing class in England. In this speech he asserted, that "a total repeal could not be thought of till *America is prostrate at our feet*." This announcement and swagger was received with great applause by the king and the English of the old school, but it caused an irreparable breach between America on the one part and the king and his ministry on the other.

The motion indeed met with considerable resistance both on the part of the friends of freedom and the partisans of lord Grenville, but was eventually carried. Resistance in the colonies was no longer confined to Boston and the province of Massachusetts, but a wide-spreading combination was entered into throughout all the provinces of New England to purchase no articles on which special duties had been imposed. Lord North's views were opposed on this occasion by Grenville, who was the originator of the whole dispute with the colonies, and had made the first attempt at taxation by the introduction of the stamp act. In his speech against lord North, he alleges it to be absurd and ridiculous to suppose that the Americans would quietly submit, or allow themselves to be deceived by any such delusion. He commends his own views as the essence of political wisdom, and ridicules the measures adopted by the minister in power. He affirms, that he himself had adopted the only possible means, not only of asserting and maintaining the supremacy of the country, but of raising a revenue by compelling the adoption of his measures by force; that his successor had recourse to the next wisest means by relinquishing all ideas of coercion; whilst lord North's measures of half-concession and half-force were foolish in the extreme, and could only be attended with evil and ruinous consequences.

These consequences really followed, as soon as the determination of parliament was made known in America. An additional impulse was given to the animosities already existing, and new violence to the disputes which had been carried on since 1767 concerning constitutional principles. This was more particu-



larly the case in Boston and throughout the whole province of Massachusetts Bay. It came to an open rupture between the royal governor of this province and the provincial assembly, and advantage was taken of a popular tumult to increase and strengthen the fortress of Castle William, and to send two Irish regiments to augment the garrison: this took place in the year 1768, after the inhabitants had provided themselves with arms under the vain pretence of an apprehended attack from the French. In the year 1769 some regiments were again removed from the disturbed province. On the 5th of March in the subsequent year, the same day on which lord North made his motion for the repeal of the duties, a scene of violence and bloodshed took place between some young men in Boston and the English military. According to the usages of English law in cases of riot, where the civil power proves inadequate to quell the disturbance, the soldiers fired upon the people, who in their turn flew to arms, and the affair assumed so serious a character, that the town council besought the governor to remove the troops from the city. The governor acceded to the wishes of the inhabitants, and with the consent of the council and the chief military authorities, the quarters of the troops were changed from Murray's barracks in the city to the fortress of Castle William in the neighbourhood. The officers and men who had fired upon the people were arraigned and tried before the ordinary tribunals, and honourably acquitted, with the exception of two who were found guilty of manslaughter; but recourse was notwithstanding had to all possible means of rousing the passions of the people, and keeping alive the democratic spirit of the city and province against everything English. The governor no longer deemed it safe to hold the meetings of the provincial assembly in Boston, and removed the place of sitting to Cambridge: this only led to new disputes. As early as March 1771, the house of assembly appointed a species of revolutionary committee, denominated a "Committee of Correspondence to communicate with such committees as may be appointed by other colonies;" and in 1772 the province of Rhode Island resorted to an act of open hostility against the mother-country. An English armed schooner named the *Gaspee* had been stationed on the coasts of this province, with a view to prevent smuggling. The officer in command exercised such a degree of vigilance and severity as to make himself extremely obnoxious to the inhabitants,

and was decoyed by the chase of the Providence packet into shallow water, where his vessel took the ground. The opportunity of revenge was too favourable to be resisted, and whilst the vessel was in this predicament, she was attacked during the night by a number of well-armed whale-boats from the shore, captured after some resistance and burnt. At the close of the following year the continued disputes respecting the tax on tea led to scenes of a similar description, and these to the eventual separation of the colonies from the mother-country.

In the years 1771 and 1772, the Americans either purchased no teas, or procured them secretly; the consequence of this determination was a considerable loss to the East India Company; new measures were therefore adopted, by virtue of which the Company paid the duties in England, and proposed to sell their teas by means of their own factors and agents in America, without any further necessity of coming in contact with the government custom-house regulations in the colony. By these measures, the combination against purchasing was to some extent frustrated, and at the same time the competition to which this gave rise led to great losses on the part of the wholesale dealers both in England and America. The spirit of resistance was however so far from being allayed, that it became more vehement than before, and in the same year Franklin sent to America from London a copy of two letters written by the governor and deputy-governor of Massachusetts, which changed the indignation and hatred felt towards the ministry into rage. Franklin from the year 1770 had again resided in London as agent of Pennsylvania, and had also taken charge of the interests of Massachusetts Bay and New Jersey: as a diplomatist, he contrived rather in a diplomatic than a moral manner to get possession of his neighbour's property and the secret correspondence of the governor. In these disturbed times the animosity existing between governor Hutchinson and the province was so bitter, that even the smallest circumstance was sufficient to make it irreconcilable; Franklin used his best endeavours to aggravate instead of softening the temper and feelings of the parties. The king's government had recently interfered with the privileges of the assembly in a most dangerous manner, by altering the practice which had hitherto existed of fixing the salaries of the governor, judges, and other officers of state, by a vote of the provincial assembly. Salaries were now settled upon them by the crown, and measures

were thus adopted, than which none could be more repugnant to the whole spirit of the constitution, or more likely eventually to lead to the exercise of tyranny in the colonies. In addition to this, Hutchinson was regarded as a man who was wholly unfit to govern such a province in consequence of the strength of his English prejudices. Franklin however, by publishing Hutchinson's letters at this moment of public excitement, was far from acting up to his own religious and honourable principles. In December 1772, he contrived by some means unknown to get possession of original letters written by the governor and vice-governor of Massachusetts Bay, and directed to Whateley, one of the under-secretaries, and other friends in England, which he immediately dispatched to Cushing, president of the corresponding committee of Massachusetts. These letters were not official documents, but private communications on public affairs; they were however no doubt written with the intention of recommending the adoption of measures upon which it was not regarded prudent to offer public and official advice. They conveyed the genuine English views of their writers, and it was therefore quite natural for the Americans, who judged from a very different point of view, to regard them as libellous and unconstitutional, and calculated to introduce the reign of arbitrary dominion. This case presented no features different from those which always present themselves when disputes arise between a government and its officers on the one part, and the people on the other. In these letters the disturbances were attributed to the rebellious feelings and tendencies of the people, which were roused and stimulated by dishonourable leaders, and further measures of restraint were earnestly recommended to reduce the unruly spirits to subjection, and for taking off those who were styled by Oliver the "original incendiaries."

The manner in which Franklin obtained these letters, which he caused to be printed and circulated in America in the summer of 1773, has never been revealed, but his most recent biographer seems to indicate, that his hero on this occasion, as diplomatists are accustomed to do, had had recourse to means whose use can only be sanctified by the end\*. We pass over

\* The Works of Benjamin Franklin, edited by Jared Sparks, vol. i. p. 359. "The manner in which the letters fell into his (Franklin's) hands was never explained. In the account of the affair which he wrote previously to his leaving England, but which was not published till many years after his death, he

this affair very briefly, and do not enter upon the bitter comments which were made upon those letters in America, because we only touch upon American history in general very cursorily and incidentally in its bearings upon and connexion with Europe. The publication of these letters contributed very much to incite the people to the commission of acts of violence, and gave such power to the tumultuary administration of justice, or what has been since called *Lynch law*, that no one hereafter dared to pay the least respect to the commands of the governor. The various provincial assemblies now proceeded to pass very strong resolutions against the measures adopted by the English parliament, and appointed authorities for the management and superintendence of their common interests, in which they were not justified by the privileges of their previous constitutions.

The attempt at importing teas into America under the new regulation entered into with the East India Company, led to the first formal resistance to the English authority in America. The whole of this project was regarded by the Americans as a deep-laid scheme, intended to pave the way for further innovations, and to betray them into the payment of the tax ; and in despite of all the efforts on the part of the respective governments, they firmly adhered to their determination not to suffer any teas to be landed or sold in America ; but the vigour of the resistance was modified in the different provinces, according as the inhabitants were more or less democratic in their principles. Pennsyl-

says, the first hint he had of their existence was from a gentleman of character and distinction, in conversation with whom he strongly condemned the sending of troops to Boston as a measure fraught with mischief, and from which the worst consequences were to be apprehended. The gentleman assured him that not only the measure he particularly censured so warmly, but all the other grievances complained of, took their rise, not from government, but were projected, proposed to administration, solicited and obtained by some of the most respectable among the Americans themselves, as necessary measures for the welfare of that country. As he seemed incredulous, the gentleman said he could bring such testimony as would convince him ; and a few days after he produced the letters in question. He was astonished, but could no longer doubt, because the handwriting, particularly of Hutchinson and Oliver, was recognized by him, and their signatures were affixed.

“ The name of the person to whom they were addressed was nowhere written upon them. It either had been erased, or perhaps the letters were originally forwarded under envelopes, which had not been preserved. There is no evidence from which it can be inferred that Dr. Franklin knew the name of this person, or that he was ever informed of the manner in which the letters were obtained. *If this secret was ever revealed to him, he does not appear to have disclosed it.*”



vania, the great settlement of the Quakers, took the lead, and her citizens not only refused to allow the teas to be landed which had been consigned to Philadelphia, but resolved in a public assembly that the attempt was a violation of the liberties of America, such as ought to meet with vigorous and universal resistance; and in consequence of this step, the *consignees* of the Company refused to act any longer in this capacity. In New York the ships were not allowed to discharge; and in Charleston the teas were placed in damp cellars, that they might be rendered worthless. In Boston alone, however, matters proceeded to such a length as to lead to the use of open force, and to the violation of law and the rights of property; this furnished an excuse for the measures which were afterwards adopted by the English parliament. The local authorities of Boston had continued in a state of strife with governor Bernard since the year 1769, and had succeeded in procuring his recall; it fared however no better with Hutchinson, who was appointed governor in 1770. On this occasion they resolved that the tea should not be landed, and warned the consignees and the captains of the ships not to make the attempt. The governor however was determined to persevere, and an intimation of his design was no sooner communicated to the people than they determined to take the execution of the law into their own hands. A number of the most forward and daring, in the disguise of Mohawk-Indians, rushed on board the ships, broke the chests, and threw the tea into the sea. Shortly before the news of this affair in Boston harbour reached England, Franklin, by his cunning and diplomatic conduct in London, had succeeded in raising up new enemies to the English ministry, and in securing new and numerous friends throughout the whole of England for his own and his countrymen's democratic principles.

The letters which Franklin had sent to America had been read in the provincial assembly of Massachusetts in June 1773, and the assembly in consequence came to a resolution, in which they declared that neither Hutchinson nor Oliver was any longer worthy of their confidence, and a petition to the king was immediately drawn up, praying him to remove these obnoxious individuals for ever from the government of the province. This petition was forwarded by Franklin to lord Dartmouth, who had recently undertaken the colonial department in the room of lord Hillsborough. The government at first hesitated whether they

would enter upon the subject of the petition at all, but at length it was resolved to submit it to the king in council, in order that the reasons for and against should be announced and circulated by means of the reporters and newspapers through the whole of Europe and America. The sitting of the privy council was fixed for the 11th of January 1774, and Dr. Franklin, as agent of the petitioners, was cited to appear before the council in support of the allegations which it contained, whilst the defence of the measures of the government was conducted by Wedderburne, the solicitor-general. The council converted this political question into a mere judicial investigation, by a very discreditable arrangement of the affair, because the privy council was the supreme court of justice in colonial affairs. For this reason, the letters which Franklin had sent to America, and which formed the foundation of the accusations which were brought against Hutchinson and Oliver, were made the basis of the proceedings, and opened up a door for the exercise of all the legal subtleties of the solicitor-general. It was ruled by the council that Franklin alone could be heard, because Bollan, who appeared with him, was not an accredited agent of the province. Franklin was taken by surprise, and the whole burthen being thrown upon himself, was compelled to ask for a postponement of the case for three weeks, in order that he might prepare for a judicial treatment of the question, which he had not expected.

The second sitting took place on the 27th, and was attended by the unexampled number of thirty-five privy-councillors, and the court was crowded by the public. In his management of the case, the solicitor-general directed the whole of his attack against Franklin, and loaded him with the grossest reproaches and abuse on account of the manner in which he may have been supposed to have obtained possession of the letters, and the uses to which he had applied them. The principles which Wedderburne brought forward had become obsolete in Europe, and his rudeness and virulence afforded a remarkable contrast to Franklin's equanimity. Wedderburne was the model of a genuine English lawyer, and was afterwards appointed lord chancellor under the title of lord Loughborough. The applause with which his speech was received in the privy council, and afterwards by Englishmen of the old school, as well as by king George, made it obvious that the feudal system was no longer to be reconciled with the principles of the Americans, and that

England and its colonies had come to an irreconcilable breach. Wedderburne, after the fashion of his profession, poured out the grossest abuse upon Franklin, and employed a virulence of language and personality which were quite unexampled in such an assembly: he abused America, the house of representatives of Massachusetts, and the province in general. None of all these advantages were lost upon Franklin. The solicitor-general's virulence, exaggerations, and principles were all employed as means of gaining friends for himself and his countrymen in England and elsewhere, at a time when cosmopolite feelings were in vogue. Franklin spoke always of rights, law, mildness, and freedom, whereas the solicitor-general dwelt on English supremacy and dominion, and supported his case by legal technicalities and forensic subtlety. The whole of Europe, not merely the people, but the more liberal-minded princes and members of the aristocracy, were at that time favourable to an opposition to arbitrary dominion, which was merely founded upon positive law; that portion of the people of England alone, who at the present day are in arms for the defence of the corn-laws, by which the price of bread is increased to the starving labourer, as well as king George, and the Göttingen professor Schlözer, were on the side of the solicitor-general.

The same party spirit which had indecently shown itself among the members of the privy council during the speech of the solicitor-general, by the applause with which some of his most virulent personalities were received, assumed a definite form in their report, which by the approval of the crown became a judgement in the case. They declared "that the petition in question was founded upon false and erroneous allegations, and that the same was groundless, vexatious and scandalous, and calculated only for the seditious purposes of keeping up a spirit of clamour and discontent in the province." On the following day Franklin received notice that he was removed from the situation of post-master-general in America. The vehemence and precipitation of the privy council at the end of January, under the influence of the king and his ministry, was imitated by the parliament in the commencement of March, as soon as they received the news of the acts of violence which had been committed in Boston harbour. The aristocratic squires and domineering jurists, offended in their pride, pronounced a hasty and indiscriminate condemnation upon the innocent as well as the guilty. The govern-

ment laid the papers referring to the destruction of the tea in the port of Boston before parliament on the 7th of March, and on the 14th a severe and condemnatory resolution on the subject was passed: this was presently followed by the introduction of a bill for discontinuing the lading and shipping of goods, wares and merchandise at the town of Boston or harbour thereof, and for the removal of the custom-house, &c. to the town of Salem: this was called the "Boston Port Bill." Attempts were made by the moderate party in the house to restrict the operation of the bill, by adding a clause, that the law should only continue in force till compensation was made for the tea which had been wilfully destroyed. It was in fact to continue till the king should be of opinion that peace and obedience to the law had been so far restored in the town, that trade might be carried on with security and the taxes collected without hindrance or opposition.

The royal assent was given to the bill on the 31st of March; four ships of war were immediately despatched to Boston, and general Gage was appointed governor of Massachusetts instead of Hutchinson, who had returned to England. Gage, in his instructions under the great seal, received unlimited power to grant pardons in cases of high-treason and other crimes, and by various acts immediately afterwards passed, was empowered in some measure to force a military government upon the people, instead of the democratic constitution which they had hitherto enjoyed. By one of these the people of Massachusetts were deprived of the right of choosing the members of the council and the privilege was appropriated by the crown; by another the king, or his representative the governor, was entitled to nominate the judges, magistrates and sheriffs; and to the sheriffs belonged the power of selecting and determining the juries. In order to guard against tumultuous assemblies, meetings of the inhabitants were forbidden to be held, except by permission and consent of the governor. In a third bill, entitled "A Bill for the impartial administration of justice in Massachusetts Bay," an attack was made upon a principle which had always been regarded as one of the mainstays of liberty and safeguards against arbitrary power. This bill provided that in all cases of murder or other capital offences committed within the province, by persons acting under the orders or in defence of the constituted authorities, in which the government might have reason to sup-



pose such person or persons would not receive a fair trial, it should be lawful for him to send the accused to another province, or even to Great Britain to be tried.

Gage was appointed governor because he was already commander of the forces in the province, and was personally known and highly esteemed in Boston. He arrived in that city on the 13th of May, before the reinforcements which were on their way from England. He was received with the usual formalities, but with a sullen reserve which indicated a coming storm. Shortly before his arrival the news of the passing of the "Boston Port Bill" had been received, and his commission was of such a character as rendered it impossible for him to remain on good terms with the inhabitants of the city. Gage's first step was to change the place of the assembly's sitting from Boston to Salem, which was met by a vigorous resistance on the part of the members, and to take military occupation of Boston. Soon after the general's arrival additional troops were landed at Boston, whom he stationed around the city, and proceeded to fortify the isthmus which connects the city with the mainland. The inhabitants of the province, who regarded these acts as a species of declaration of war, began to provide themselves with arms of every description, to practise military evolutions, and learn the exercises necessary to qualify them to act efficiently in their own defence. The assembly, which had been removed from Boston to Salem, immediately on the commencement of their session in their new locality, proceeded to the adoption of measures which compelled the governor to dissolve them. Before they separated, however, they succeeded in the nomination of deputies to meet the deputies from other provinces in a general assembly, which was to consider and adopt such measures of resistance founded upon public and acknowledged rights, as might be efficient in putting a stop to further usurpations on the part of the mother-country.

The assembly of Massachusetts had received the most cheering and encouraging assurances from New York, Pennsylvania and Virginia, and the consequence was, that the first congress of deputies was appointed to be held at Philadelphia in July 1774. In America, as it was and is in England, the administration of the police and of the courts was for the most part in the hands of the people, and not as on the continent of Europe, where all such offices are entrusted to government officers and the military, and the deputies therefore were elected to this ille-

gal assembly with an observance of all the ordinary and legal forms. In cases in which the provincial assemblies were in session, as in Massachusetts Bay, the assembly immediately appointed deputies to attend the general congress; and where this was not the case, the people first proceeded to elect the members of the provincial assembly in the usual way, and these when chosen again appointed deputies to the general congress. The respective provinces sent a greater or less number of deputies according to their population, the largest number in any case being seven and the smallest two; the whole however had only a united voice. Deputies were at first sent from only eleven provinces, which amounted to fifty-one in number; those from North Carolina arrived four days after the commencement of the sittings, and the thirteenth province sent in its adhesion to the union in the following year. More than the half of these deputies consisted of lawyers, among whom several were thoroughly conversant with the sources of English law and English history, and especially well-informed on the subject of the law of nations and political economy, and at the same time admirably well-qualified, from long practice at the bar, for taking the lead in an assembly of this description and guiding its decisions. These men combined caution with subtlety, and calm deliberation with firmness of purpose. Immediately on the opening of the congress, they resolved, contrary to the usual practice, to deliberate with closed doors, and only to publish the letters, petitions, representations, &c. on which they had agreed, when the congress had come to any positive result and had dissolved their meeting. A committee of the ablest men was entrusted with the preparation of addresses and declarations, which were drawn up with extraordinary mildness, moderation and eloquence, and with a constant appeal to English law and English authorities; these were long and carefully considered, because they were sent forth as manifestos into the whole civilized world, and were not merely agreed upon with a view to the immediate object for which they were designed. The effect of these declarations, issued by the congress and circulated by Franklin and others throughout the whole of Europe, was the greater in proportion as the tendencies of the age were cosmopolitical, and all the world was weary of the shamelessness of North, Sandwich, St. Germaine, D'Aiguillon, Du Barry and other tyrannical ministers. The consultations of the American deputies assembled in con-

gress, and the few letters, manifestos and declarations which they sent forth, had a very different effect upon the public from the hundreds of books written by German publicists on the question of the Bavarian succession. These publications produced the same influence privately, as the speeches in the constituent assembly of France at a later period produced publicly. The Americans were the forerunners of the bolder French, who became finally too bold.

The masterly papers which were drawn up during the eight weeks in which this congress held its sittings, and which were afterwards published, consisted of a unanimous declaration, expressive of their sympathies with the sufferings of their fellow-countrymen in the province of Massachusetts under the acts of tyranny which were practised upon them and a promise of support; a declaration of rights, drawn up in the style of the petition of rights presented by the English parliament to Charles I., in which they enumerate their complaints and the grounds on which they are founded, as well as the means to which they proposed to have recourse with a view to their redress. These means were comprised in a non-importation and non-consumption agreement, an address to the people of Great Britain, a loyal petition to the king, and a memorial to the inhabitants of British America. The declaration on the state of things in Massachusetts was first published on the 17th of September, and the others followed soon after. We must briefly notice these various publications, because they were drawn up with such ability, laid down principles so intelligible and reasonable, and were expressed with such calmness, dignity and moderation, that they were no sooner published in the newspapers than their power was universally felt, and they became the text-book of a new code of national rights for the people. In the declaration on the state of Massachusetts, the connexion with England was still, apparently at least, retained: at the same time, however, measures were taken for the defence of the province, military stores were collected for the proper equipment of their militia, obedience was refused to the governor, who was anxious to provide for the sustenance and quartering of his troops, and an agreement not to render services of any kind for the support or convenience of men who were sent thither as enemies to their country. The congress further recommended that no confidence should be placed in the civil and legal authorities appointed under the

new regulations of the government, but that persons should be nominated and paid by themselves to undertake their important functions. In Massachusetts the whole order of things remained as before and the persons were unchanged, but they were now appointed, not by the governor but by the people. The declaration respecting the state of affairs in Massachusetts was followed by that remarkable declaration of rights, which, with a few alterations, afterwards served as an introduction to the declaration of independence of the united provinces, became an apple of discord in France, and caused the most unhappy misunderstandings among the vivacious Frenchmen, who were so easily carried away by the feeling of the moment. In this declaration, it is maintained that every citizen has an inalienable right to life, freedom and property, and that no measures can be taken respecting these three fundamental privileges, except such as are according to laws, approved of by those whom they concern, but not at the will or pleasure of any government whatsoever. These propositions are not merely enunciated, but explained and demonstrated with a force of reasoning and eloquence of language, of which those who drew up their papers were great masters. Their writers were men of business, and did not satisfy themselves, as systematists generally do, by the mere proofs of the principles of natural rights, but they combined the bare theories of Rousseau, Condorcet and others with a deduction of the positive rights of free-born Englishmen, with an investigation into the original constitutional usages of the Anglo-Saxon race as represented by Junius, and with the charters of the provinces themselves. In this way these skilful advocates reduced their complaints into the form of a petition to the king, and gave to their declarations the guise of a representation to parliament. Finally, they made the great mass of the English people their allies, by a letter in which they addressed them in the most earnest terms, whilst at the same time they conveyed a concealed threat of the consequences of driving them to extremities. The address directed to the inhabitants of Great Britain entered into a complete review of the relation of the colonists to the mother-country, and attempted to prove them to be martyrs to the English constitution, because they defended the rights of the English against the king and a ministerial oligarchy. This did not prevent the twelve provinces, or their deputies, from declaring, that they felt themselves bound, by the injustice with which they were treated, to break off all commercial intercourse



till their grievances were redressed. In a subsequent address to the people of Canada, they did not lose sight of the fact that they were catholics and Frenchmen, but invited them, as an English province, to form a union with their southern neighbours of English descent. In this address they availed themselves in a masterly manner of the French prejudices in favour of the fashionable theories of the age, and of the importance which they attached to the mere sound of phrases and the authority of celebrated names. They entered into a review of the whole traditionary and prevailing systems of law and administration, and placed in opposition to them new theories founded upon the general rights of man, and supported by principles and passages quoted from Beccaria and Montesquieu.

The petition to the king was to be supported by all the agents of the North American provinces in London, but lord Dartmouth hesitated and considered the point for a day, whether he would allow this petition to be presented or laid before parliament. This however was eventually done. The petition, among other papers, on the motion of lord North, was referred to a committee of the whole house, and the American agents, Dr. Franklin, Mr. Bollan and Mr. Lee, petitioned the house to be allowed to appear at the bar and support the allegations which the petition contained. This was refused by the government because the congress was not a body recognised by law, because such a course would give an apparent sanction to an illegal confederacy, and the colonies could only be heard through their legal assemblies on the subject of their pretended grievances. The petition was contemptuously rejected. No blame can be attached to the English parliament for their unwillingness to hear the humble petition of the lawyers of Philadelphia or the representations of the agents, apparently so humble and so modest. The same lawyers from whom the petition emanated had induced the congress before its separation to come to the resolution of holding a second meeting in May, unless in the meantime their grievances were redressed; and the province of Massachusetts Bay for the last three months had acted as if it were not only completely independent of England, but as if England were a hostile state. The people everywhere provided themselves with arms; the militia was organized, and by the assistance of foreign officers and such Americans as had left the English service, a body of regular and paid troops was raised. The Americans seized upon and carried off English ammunition, cannon and stores wherever they

were to be found, and had compelled the English to surrender two small forts in New Hampshire to the American militia, who removed the cannon, which, as well as the forts, were only guarded by half a company of men.

In Massachusetts Bay a new assembly first met at Salem against the will of the governor, and then removed their sittings to Concord. This legislative assembly, which met and continued its deliberations without the authority of the English government, assumed all the powers of government, and appointed colonel Hancock, whom Gage had dismissed, to be commander of the army which had been raised to resist the English in Boston. At this moment all the American cadets, who enjoyed great advantages from the English government, sacrificed the benefits of their position, and in the spirit of patriotism entered into the service of the province of Massachusetts. The same Hancock, who afterwards, together with Franklin and Adams, was the chief promoter of the declaration of independence, was chosen president of the general congress which met in Philadelphia in May, notwithstanding the proclamation of lord Dartmouth to the contrary. During the winter of 1774-75 a formal war was carried on between the English in Boston and the militia of Massachusetts. Neither party wished to commence hostilities, because the provinces had not yet formally renounced subjection to England, but were still carrying on negotiations by means of their agents in London. An accidental circumstance led to the commencement of hostilities, which the Americans afterwards availed themselves of as a pretence for venturing to make a regular attack upon Boston, or rather upon the fortified neck of land which connects the city with the mainland. On the 26th of February the English were desirous of removing some pieces of artillery from Salem, and the circumstance led to a contest between the troops and the people; a clergyman who was present succeeded in preventing a formidable engagement, but in April matters were brought to a serious issue.

The Americans regarded the proclamation issued by the English government respecting munitions of war as a species of declaration of war, and on that account especially the inhabitants of Rhode Island and New Hampshire thought themselves justified in taking forcible possession of the English military stores and other necessities of war wherever they were to be found, and reprisals were commenced by general Gage on the part of the government. The people of Massachusetts had established a magazine at Con-

cord, some twenty miles from Boston : general Gage, being apprised of its existence, and wishing either to capture or destroy these resources of the people, despatched a body of 800 men on this important service. Notwithstanding the secrecy and silence with which this nocturnal expedition was conducted, the Americans became aware of the design and raised an alarm. A report was quickly circulated that this division was sent with a view to carry off Adams and Hancock. The American militia therefore attempted to obstruct the march of the English division, and did not yield till several of their friends were killed by the fire of the English troops. This skirmish at Lexington is usually regarded as the commencement of the American war. The Americans having retreated, the English troops immediately proceeded to Concord, and accomplished the object of the expedition by destroying such stores as they found collected. On their return they were assailed on all sides by irregular masses of the people, who had in the meantime taken up arms, and would perhaps have been utterly cut off had not Gage sent sixteen companies from Boston to their relief. These skirmishes were more destructive to the troops than a regular engagement would have been, for the people availed themselves of all the natural defences of the country and fired in parties under cover of houses, hedges and trees, and thus inflicted serious loss on the king's troops. From this moment the war was commenced, and a regular army belonging to the province of Massachusetts, under the command of four generals, took the field against the English. It was said that this army, when fully assembled, or in other words, when the people of whom it was composed were able completely to give up their agricultural labours, consisted of 30,000 men. The province of Massachusetts at that time formally renounced all further obedience to their governor, and in some measure declared him to be an enemy of their state.

On the 5th of May the second general congress opened its sittings in Philadelphia, and elected the same Hancock as their president, whom, together with Samuel Adams, the English commander-in-chief had shortly before excepted from a general act of amnesty which was published in favour of all those who should lay down their arms and accept the pardon of the crown. Hancock and Adams were therefore declared to be guilty of high treason, and exposed to the utmost penalties of the law. The congress took into their deliberate consideration the propositions of the English ministry, but at the same time immediately pro-

ceeded to organise a United American army, and were fortunate enough to select a commander equal to the emergency, who had displayed the highest military talents in the last war and had already gained great experience. George Washington, the new American commander-in-chief, was a landowner in Virginia, and as such had been commander of the state militia in the commencement of the seven years' war, and as adjutant-general had fought with success against the French, whilst the English general and the regular troops suffered serious loss. Washington combined great political talents and enlarged views with his military qualities, and proved the magnanimity and patriotism of his personal character by serving his country without pay or reward. His subordinate generals were not equal to the difficult task of carrying on a campaign with irregular and undisciplined bands against regular, disciplined and hardy troops, and they would have been still less so had the English minister selected the generals to whom they committed the conduct of the military operations in America, not from those who were favoured by the crown or had family interests and parliamentary influence, but from persons distinguished by their services and military talents. The congress appointed Gates, who had been in the English service, adjutant-general, and Ward and Lee major-generals.

The English were now shut up and threatened in Boston, and a division of fresh troops having arrived from England, under generals Howe, Clinton and Burgoyne, they began to feel the importance and necessity of making some immediate movement to relieve themselves from this disgraceful position. The whole English army under the four generals amounted to 10,000 men. The Americans were deficient in discipline, military stores and money; those who joined the ranks could not be relied on for constant service, as they often returned to their homes and again came back to the army, as their pleasure, business or circumstances allowed. They were therefore held in the utmost contempt by the English, and especially by the regular German mercenaries and their officers, who were purchased by the English, and who were of the same spirit\* which they so disgustingly displayed before the expedition to France in 1792 and the battle of Jena; the English, on the other hand, had bad commanders. Howe maintained no discipline; he allowed his offi-

\* [The Prussians, ever since the time of the seven years' war, in which they so distinguished themselves under Frederick the Great, made the most absurd pretensions to military superiority.—TRANS.]



cers to engage in gambling and all sorts of dissipation; Burgoyne afterwards furnished abundant proofs of his being no military genius; and Clinton, who was a man of great courage, was not possessed of talents equal to his position. Both parties had still at that time hopes of a reconciliation, and the English army was too weak to think of venturing on a campaign against the whole combined force of the united provinces. This kept them for months in a state of ignoble repose, but on the arrival of reinforcements they ventured upon operations, and were destined to suffer a speedy humiliation of their military pride. They suffered a partial defeat and great loss in an unimportant engagement fought on the 16th of June 1775, which is usually called the battle of Bunker's Hill. This engagement only deserves particular mention, because on this occasion the pride of the English received a dreadful humiliation, and the insolence and swaggering of the Americans became intolerable.

On the north of Boston another peninsula lies opposite to that on which the city is built, and separated from it by a narrow channel, on the further side of which is Charlestown. This peninsula can only be reached from Boston by crossing the river Charles, which at this place is as wide as the Thames at London, and affords an excellent harbour for ships of war. The English ships of war were lying in this position, and commanded not only Charlestown but the peninsula, and therefore the English had neither occupied nor fortified the town. The Americans thought it advisable to seize upon this position and to make themselves masters of the heights which commanded the city. This eminence was called Bunker's Hill; the position was of great importance, as it commanded the city and both the isthmuses, that of Charlestown as well as that of Boston itself; the English in Boston were therefore no little surprised to find the Americans one morning in possession of the Charlestown pass, and busily engaged in fortifying the heights, notwithstanding a vigorous fire from the ships. General Gage at once perceived the necessity of preventing this occupation and dislodging the Americans, in order to avoid being completely shut up in Boston and having all his communications with the mainland effectually cut off; he therefore immediately sent a division of troops under general Howe, who was followed by Clinton with reinforcements, in order to recover possession of the heights, by advancing from Charlestown, on which side the ascent was less precipitous than from the sea. It was not very creditable to the

English general that he did not occupy this position before it occurred to the Americans to anticipate him. The first division sent by Gage took and burnt Charlestown, but they would have been completely routed had not reinforcements speedily arrived under Clinton; Howe, who had been twice previously repulsed, united with Clinton in a third assault, in which they proved successful in taking possession of the hill, but with immense comparative loss. The Americans, on the contrary, suffered little, and this engagement, in which only a few thousand men were brought into action, cost the English as many men as the celebrated battle of Quebec in the previous war, by which general Wolfe secured the whole of Canada, and in which he met with a heroic death which has made his name immortal.

In the assault upon Bunker's Hill, the English were twice repulsed by undisciplined militia; and in order to cheer them on to a third attack, both the generals, Howe and Clinton, were obliged to place themselves at their head. The ships of war supported the troops by a vigorous and well-directed fire, and the Americans were compelled to give way, and to retreat over the isthmus to Cambridge. The English lost 1100 men killed and wounded, and a great number of officers, whilst the loss on the part of their opponents was inconsiderable.

Whilst these disputes respecting the prerogatives of the crown and the rights of the people, the old English aristocratic insolence, the miserable ministerial family oligarchy, and the obstinacy of a narrow-minded king gave rise to a bloody civil war in America, the obstinacy of the king led to a public manifestation in favour of freedom in England itself, which was displayed in speeches and publications, and supported by courage, eloquence and talents, which awakened a desire for civil liberty throughout the whole of Europe, and disseminated a knowledge of those constitutional political rights which the people realized for a time by means of the French revolution, and still enjoyed even under Buonaparte.

The scenes in London, the debates in parliament, and the bold steps taken by the citizens of the English metropolis from the years 1770 till 1780, formed a prelude to what was enacted in the parliament of Paris from 1787 till 1789, although the latter was merely a great public judicial tribunal, and not a representative chamber, like the parliament of England. The speeches of Burke, as long as he remained in the pay of Rockingham and spoke in a democratic tone, of Fox, of lords Camden and Chat-

ham, of Sheridan and others, the pamphlets and articles written by Franklin, and the various speakers among the common-council of London, formed a richly-stored and animating text-book of a new system of political rights for the whole of Europe, which was then awakening to a new life; these had the same influence in England and Europe which the articles in the 'Moniteur' possessed from the year 1789.

Since the time of the celebrated scene between the lord mayor Beckford and George III. in the audience-chamber at St. James's, an unceasing contest had been carried on between the government and the corporation of London, of which Wilkes had now become a member. The excitement in London however was never as dangerous as it appeared, because a wealthy and trading population like that of this great city and the English nation in general will not easily suffer themselves or others to have recourse to measures which are calculated to interrupt the progress of business, or to interfere with the undisturbed enjoyment of their wealth and the means of comfort which it procures. The people was, what it always was and must be, a mere instrument and machine. We cannot however altogether overlook the noisy disputes of these years, because the history of the various scenes of strife, of the calumnies, reproaches and recriminations of this period, chiefly caused by the addresses of the corporation and the parliamentary debates, are historically more important than scenes of battle and bloodshed. We shall not go through the whole in detail, but refer to a few cases, which will serve as an illustration of the spirit of the times and the general tendencies of the public mind, as well as of the vehemence of the contest.

Crosby, who was lord mayor in 1771, was a man of a less revolutionary spirit than Beckford, his predecessor; he could not however escape a vehement war with the parliament on questions affecting their privileges. About this period parliament had become extremely jealous of the publication of their debates by the daily press; and on the representation of several members, that their speeches had been misrepresented with views either of malice or profit, a motion was made for summoning some of the printers to the bar of the house to answer for this breach of privilege. This motion was by no means unanimously carried, nor did the printers yield obedience to the first summons of the house; the consequence was, that a second order was issued and equally disregarded, when the offending parties were ordered to be taken into custody by the sergeant-at-arms. The sergeant

having been unable to find the parties, a reward was offered for their caption; in consequence of which, one of them was taken and brought before Mr. Wilkes, then an alderman of London, and another eventually before the lord mayor and aldermen Oliver and Wilkes at the Mansion-house. These parties were not only respectively set at liberty, as having been illegally arrested without the warrant of a magistrate, and in violation of the privileges of the citizens of London, but the officer of the house was arrested and ordered to be committed to prison. Parliament in its turn resented this unparalleled attack upon its powers, and the lord mayor and alderman Oliver, who were members of the house, having been heard in their justification, were finally ordered to be arrested and committed to the Tower. It required no little energy and exertion on the part of the friends of the people to prevent them from having recourse to violence on this occasion and forcibly rescuing the city authorities from the custody of the officers of parliament. These popular disturbances were prolonged during the whole session; and as the power of parliament did not extend beyond the period of the session, the parties who were under arrest took all possible pains to calm the minds of the irritated people and to still the prevalent alarm. At the close of the session, the city authorities, who would make no concession, were released, and their liberation hailed with the most tumultuous rejoicings.

In the following year, the courts of law declared themselves against the pretensions assumed by parliament and against its tumultuary administration of justice; and the consequence was a collision between the house of commons and the courts of law, such as has been repeated within a very few years. From this time forward, the innumerable organs of the English press were filled with the most violent attacks upon the ministers, parliament and the king. The public feeling in London was still further excited by a measure which was regarded as a positive infringement on their property. A bill was passed in parliament for some improvements on the banks of the Thames, in the neighbourhood of Durham-yard. The plan of these improvements involved some encroachments on the bed of the Thames, which is the property of the city of London, and of which their chief magistrate is the conservator. These encroachments were supposed to be injurious, as they narrowed the bed of the river, and were calculated to interfere with its navigation. The city again resolved upon an address to the throne, and it was resolved,



contrary to all previous usage, that their address and petition should be presented not merely by the lord mayor, but by the whole body of the corporation.

The king, having received intimation of this design, and being determined to prevent the excitement which was likely to ensue from its being carried into effect, caused a communication to be made to the lord mayor by the lord chamberlain, that such a mode of presentation was contrary to custom and usage, as well as inconsistent with propriety and convenience, and that it was therefore his majesty's pleasure that the lord mayor should come to court accompanied by the aldermen, city officers, and ten members of the court of common-council alone. The corporation was obliged to acquiesce, as each party was desirous of remaining within the limits prescribed by custom and usage in such cases. The tone of the petition was so revolutionary, that we shall subjoin a few passages in a note. It is especially remarkable that the citizens did not on this occasion adopt their usual boasting style, and dwell on the merits and privileges of the happy constitution, but, contrary to the custom of Englishmen, boldly affirmed, that the parliament of aristocracy and wealth had been always and under all circumstances more injurious and destructive to the people, properly so called, than the ministry itself\*. The king's answer on this occasion was earnest, but couched in a dignified tone; it contained a reproach, which,

\* Amongst the specific complaints referred to in the address and remonstrance, it is said,—“The same arbitrary house of commons, which violated the sacred right of election, and seated among themselves, as a representative of the people, a man who was never chosen into parliament, have the last session proceeded to the most extravagant outrages against the constitution of this kingdom and the liberty of the subjects, of which your majesty is by law the great guardian. They have ventured to imprison our chief magistrate and one of our aldermen, for disobeying their illegal orders and not violating the holy sanction of their oaths to this great city, as well as their duty to their country. They have by the most artful suggestions prevailed upon your majesty to suffer your royal name to give a pretended authority to a proclamation issued at their express desire, contrary to the known laws of the land. At length they proceeded to the enormous wickedness of erasing a judicial record, in order to stop the course of justice and to frustrate all possibility of relief by an appeal to those laws which are the noblest birthright and inheritance of all the subjects of the realm. During the unjust confinement of our representatives, they proceeded to a law depriving the citizens of London of a considerable part of their property in the soil of the river Thames, solemnly granted to them by divers charters, and confirmed by the authority of parliament, and under colour of equity inserted in that law an unusual saving clause subversive of the known and established laws of property; they have, without any pretence of an abuse, superseded the conservancy of the river, which the citizens of London have enjoyed from the Conquest.” Then they go on to pray for a dissolution of parliament, a restoration of their rights, and the dismissal of the ministry.

under the then existing circumstances, was far from being undeserved, but still increased the public irritation so much, that Wilkes, in the spirit of contempt for the court (1774), was chosen lord mayor for the ensuing year (1775).

The hostilities which had been commenced, and the bloody results of these hostilities in Massachusetts and other parts of North America at the end of the year 1774 and the commencement of 1775, furnished the citizens of London with a new and long-desired pretext of sending up Wilkes, their new lord mayor, on the 9th of April 1775, with another address to the king, composed in a still less ceremonious style and couched in more acrimonious language than any of its predecessors\*. The presentation of this address, and the answer which the king according to custom was obliged to read aloud and to hand over to the lord mayor, was the commencement of an open breach between the rude magistrate and the court. The lord chamberlain, in order to guard against the recurrence of such a scene as that which was occasioned by Beckford's personal address to the king, was obliged previously to intimate to Wilkes, that his majesty expected he would not speak to him personally, but simply read his address; to which a coarse answer was returned. Immediately after the audience, the lord chamberlain was obliged to express to the lord mayor, that his majesty had resolved henceforth not to grant to him and the aldermen the privilege of presenting addresses and petitions to the throne in a solemn and formal audience in full court, except in cases in which the whole city, and not the magistracy alone were concerned. The magistrates should in future only be received at the levees. As this point affected ancient privileges and honours enjoyed by the magistracy of London, it led to fur-

\* They declared in their address, that "they abhorred the measures which have been pursued and were then pursuing to the oppression of their fellow-subjects in the colonies. Not deceived by the specious artifice of calling despotism dignity, they plainly perceived, that the real purpose was to establish arbitrary power over all America. These measures were carried into execution by his majesty's ministers by the same corruption which had enabled them to wound the peace and violate the constitution of this country. Your petitioners, therefore, do most earnestly entreat your majesty to dismiss immediately from your councils those ministers and advisers, as a first step towards a redress of those grievances which alarm and aggrieve your whole people." The king returned the following answer:—"It is with the utmost astonishment that I find any of my subjects capable of encouraging the rebellious disposition which unhappily exists in some of my colonies in North America. Having entire confidence in my parliament, the grand council of the nation, I will steadily pursue those measures which they have recommended for the support of the constitutional rights of Great Britain and the protection of the commercial interest of my kingdom."

ther and vehement disputes. These contentions between the worshipful aldermen of London and the king and parliament, gained some importance by contributing to facilitate Franklin's plans and to disseminate his principles. Franklin, in connexion with a very considerable number of the English opposition, and by means of a calm, thoughtful and pious demagoguery, laboured with success in exciting movements in England and throughout the whole of Europe in favour of those anti-feudal principles which were proclaimed in America and in London.

Lord Chatham, notwithstanding his declining health, feeling a partial improvement in bodily vigour, again came forward during the discussions on the Boston Port Bill with all his wonted eloquence and power, and protested against the course pursued by the government towards the colonies. He was ably and zealously supported by lord Camden, and even the marquis of Rockingham signed the numerous reasons of protest which a minority in the lords assigned and put on record against the measures adopted by the government, and sanctioned by large majorities in parliament. As early as August 1774, lord Chatham, as leader of the opposition, invited Franklin to his country-house, encouraged him to persevere in his efforts on behalf of the rights of his countrymen, and promised his strenuous advocacy and support. The Americans were still at that time English subjects, and it was not till the following year that they formally revolted against English dominion. Franklin undoubtedly played a double character; he devised and attempted to carry out various plans, apparently with a view to reconciliation; and yet we know with certainty from accounts which Sparks in his large work upon the lives of Franklin and Washington has recently published, taken from original documents, that as early as August 1774 he had come to the determination of advising the colonies wholly to throw off the dominion of the mother-country\*.

\* Sparks's Life of Franklin, part i. p. 379. . . . "For Dr. Franklin himself at this very time, as we learn from his conversation with Mr. Quincy, *was looking forward to independence*, because he was satisfied that the ministry would not relax from their tyrannical measures, and that the people would not endure them. On this ground alone he expected independence, and not from anything that yet had been done or resolved by the colonies." To this he adds in a note, "The above declaration about the time when the Americans first conceived the idea of their independence is confirmed by the testimony of Washington, John Adams, Jay, Jefferson, Maddison and others who acted a conspicuous part in the revolution. These all affirm, that before the commencement of hostilities they aimed only at a redress of grievances and a restoration of their former rights."—See Sparks's Life of Washington, vol. ii. p. 496.

We learn from the same authority, that at the end of the year 1774, he had not only given hints to the government, through lord Howe, as to the means by which they might retain the colonies, but had also furnished lord Chatham with the draft of a bill.

Franklin's ideas were made the foundation of all the motions which were made by the most distinguished orators and patriots of England, both in the old parliament of 1774, and in the new one which was called in the following year. They were indefatigable in their efforts to force some plan of reconciliation on the ministry or to compel them to resign. One of the most celebrated of these men, who, in the parliament of 1774, pleaded the cause of the Americans, or rather that of constitutional freedom, was Edmund Burke: he was joined by Fox in the parliament of 1775. This celebrated orator, who was possessed of various knowledge and endowed with splendid talents, poured out torrents of words in his bombastical, exaggerated and swollen periods, with the same vehemence against aristocracy and all those rights and privileges which are founded on parchment and not on reason, as, alas! he did afterwards from 1790, as the satellite of the English aristocracy, as a fanatic and rhetorician in favour of feudality and usages, called prescriptive rights. He belonged to the learned, mercenary standing army of the English aristocracy; and this furnishes a clear explanation of the reason why he first took the field under Rockingham's banners in the cause of freedom; and when Pitt afterwards, at the time of the revolution, gave him a pension of 1800*l.* a-year, he played the character of Peter of Amiens in the crusade of old Europe against new Europe.

In 1774 Burke was a man between forty and fifty years of age; he served under the ministry of the marquis of Rockingham, whose private secretary he was, and was brought into parliament either by him or lord Verney for one of those rotten boroughs which the large proprietors at that time possessed as property, and property of a most valuable kind, but which have now all or almost all disappeared. He continued always wholly dependent on Rockingham, as he helped him to his means of life, to which his practical and prosaic sense in the affairs of life was continually directed, whilst as a parliamentary speaker and writer he soared far above the reach of ordinary minds, and, like our celebrated mystics, incorporated the whole circle of the arts and sciences, geometry, history, philosophy and the physical sciences, into the aspiring swing of his dithyrambic eloquence. Notwith-



standing all his bombast, some of his writings as well as his speeches are entitled to the merit of being, in passages, classical and instructive. It is no part of our business here to inquire whether his bold metaphors, his bombast, the wearisome length of his declamation, his continually recurring egotism, and the loathsome vanity and overwhelming burthen of knowledge which everywhere obtrude, are really characteristics of a great man; we take him, like every other historical fact, for that for which he was taken by his contemporaries and is still considered by many. His power, his wit, his learning, and copious stores of knowledge, even his Irish impetuosity, were all matters of wonder and admiration. During the time he was in Rockingham's pay he wrote pamphlets in the cause of freedom, in favour of Necker and the French liberals, and very ably proved exactly the reverse of that which he afterwards attempted to prove under Pitt, with this difference alone, that, like all the converts in the service of Pitt and the English unimproveables, he had recourse to more abusive and unreasonable epithets and declamation than before.

In the following parliament Fox entered the field along with Burke, and commenced a vigorous struggle for those principles of the French revolution which he continued to carry on for the whole of his life. His speeches during the American war have the same importance for the history of the progress of the age and the changed manner of thinking respecting political administration and government as those of Mirabeau; but he, alas! like Mirabeau and lord Byron, was a genius who was far from being free from the stain of moral corruption. Nature had lavishly bestowed upon him what Burke was obliged to acquire by long and assiduous study; he possessed not only life, but a deep and vigorous mind, and he drew from the depths of his own soul and from the study of the classics, what, according to Cicero, constitutes the only and perfect eloquence (*pectus facit disertum*). All Fox's deficiencies in knowledge were amply supplied by his natural simplicity, by true inspiration of soul, and manliness and earnestness of address, whilst Burke pushed his rhetorical and theatrical declamation so far as to make himself often ridiculous, as in the famous dagger-scene, and intolerable to those who were obliged frequently to listen to his massy and swollen periods and to witness his theatrical manner. Fox was the second son of lord Holland, who under the name of Fox gained great reputation as a member of the opposition in the reign of George II., but afterwards sold himself to the ministry, collected wealth,

and became generally despised. In 1772 he brought his son into parliament, for whom he wished to make a splendid provision at the expense of the country, according to the usual practice among those who had sufficient influence, which was to saddle all the younger sons of the nobility upon the people by sinecure and other places, whose duties they were often incompetent to discharge. Such young members generally satisfy themselves, for some years at least, with sitting and voting, but seldom if ever address the house. He however had no sooner obtained a seat in parliament than his connexions provided him with a place, and he was appointed one of the lords of the treasury. His course of life was now anything but creditable; he ran the usual career, and made the usual preparations for diplomatic and political life. He entered upon that path on which men form an acquaintance with the world and with the means of gaining over others to their interest and using them as their tools; that is, he entered upon a licentious life, became a devoted sportsman, drank deep, bought and sold horses and dogs, and distinguished himself especially by devoting whole days and nights to the gambling-table. There was however one striking difference between him and the distinguished and fashionable young men of the present day; they only read novels and what is called literature, he filled up the intervals of his wildest scenes of licentiousness and extravagance by serious and zealous classical (not philological) studies. By the time he was thirty years of age he had run through the whole of his property, and during the whole remainder of his life he was harassed by his creditors and sometimes reduced to the greatest straits. Such a genial profligate as Fox was at this period of his life could not be very agreeable to an upright and personally correct man and head of a family like George III.; and besides, the liberality and freedom of thinking in which such a man as Fox was accustomed to indulge must have appeared the very acme of impiety to a person devoted to the most rigid ecclesiastical dogmatism, such as prevailed in the Scotch and German schools. King George and Fox were therefore true antipodes; such a man as Jenkinson, who was familiarly called the *dark lantern*, was much better fitted to the whole modes of life and thinking of the king than any man of the new age could possibly have been. Fox was therefore removed from his office as one of the lords of the treasury in 1774, and lord North, who often allowed himself to indulge in his bitter sarcasms at the most unseasonable times, announced his

dismissal in the most offensive terms, and thus determined Fox's adherence to the cause of freedom, which he defended in the new parliament against the king and lord North with a much greater degree of personality, vehemence, and often bitterness, than he had ever spoken before.

With respect to the new parliament, it will hereafter appear, that in constitutional states, morality and principle, by which all men ought to be guided in private life, are often sacrificed to the promotion of political influence and party purposes. Lord North and Fox, after having abused, ridiculed and denounced each other for seven years in the most outrageous language, and mutually reproached each other with the names of republican and absolutist, at length formed what was called the coalition ministry, which was supported by a coalition parliament. It appears surprising that lord North should entertain no fears of the result of dissolving a parliament which at that moment was devoted to his will, and the legal period of whose continuance was far from being elapsed. This parliament however,—a parliament which had shown itself always ready to wade through every sort of political quagmire after lord North,—was suddenly dissolved in September 1774, and the election of a new one ordered for October of the same year. The astonishment at this dissolution was general, and especially because since the septennial law had been passed, only one parliament, that of 1745, had been dissolved till close upon the legal term of its duration. This dissolution, therefore, was regarded as a signal for war. The new parliament was to declare itself openly favourable to hostilities, and consequently bound to provide supplies for the continuous maintenance of a war on which it had itself resolved, which would not have been the duty of a parliament called during the progress of the war.

In the new parliament, which was opened on the 26th of October, the opposition consisted of Shelburne's and Rockingham's partisans, both of whom brought into the house able and zealous defenders of their party and family interests; but the majority was not the less prepared to support the passions of the leading egotists and the king. The ministry commanded a considerable majority, but all the men of weight (Gibbon had none) were on the side of lords Chatham and Camden, and the whole of Europe not only sympathized with, but were zealous for the cause of the Americans. Wilkes took his seat in the new parliament as member for Middlesex, along with Burke and Fox, and no objections were made or question raised with respect

to his competency ; he had been already chosen lord mayor of London. Wilkes really enjoyed no man's respect or esteem ; he had however fully attained his personal objects and played out his character, and very soon after assumed quite a conservative tone.

The struggle for and against the Americans commenced with the very opening of parliament, in the debate on the answer to the speech from the throne, in which reference was made to this most important and engrossing question. The opposition was defeated by a hundred votes, but they nevertheless succeeded in forcing the government to lay before the house the petition of the North Americans to the king, which had been entrusted to Franklin, Lee and Bollan, and in bringing forward a discussion upon the complaints as well as the means of redress which were therein contained. This was long delayed, but the government at length conceded the point, and even allowed Penn, the former governor of Pennsylvania, to be called to the bar of the house and to be examined on the subject of American grievances and their remedies. Penn's reasonable and calm counsels, delivered at the bar of the house of lords, supported as they were by lord Chatham's eloquence, were completely unavailing. Lord Chatham then formed a closer intimacy with Franklin, as the sly diplomatist himself informs us, and their design was to cause delays, so as to throw the whole blame of the revolt upon the English parliament, and to furnish the Americans with the excuse of having resorted to all possible means of preserving the connexion between the two countries. The proposal for conciliation was earnestly pressed upon the upper house by the duke of Richmond, who moved, "That the petition from the continental congress to the king was ground for a conciliation of the unhappy differences subsisting between Great Britain and America."

Franklin had long resolved to return to America and to recommend the congress to declare their independence ; but when lord Chatham, on the 20th of January 1775, announced his intention in the upper house of bringing forward a conciliatory motion, he adopted lord Chatham's views, and communicated to him the heads of a bill such as he thought would tranquillize and meet the wishes of his countrymen. Franklin himself admits that he was not quite convinced that his constituents in America would be satisfied with what he had done, and lord Chatham also



knew well that his bill would never pass ; they notwithstanding drew up the bill together, which was brought before parliament by lord Chatham on the 1st of February, and supported by one of his most celebrated and persuasive speeches. On this occasion the rights of the people, as against the government, were enunciated and maintained by lord Chatham, the dukes of Richmond and Manchester, lords Shelburne, Temple and Camden, in as splendid a manner, and with much better regulated and well-digested matter and language than they were afterwards advocated by Mirabeau and Barnave in the constituent assembly of France. The people of the continent, who were then dumb, were astonished at the principles and doctrines which were laid down and so eloquently and openly vindicated by the distinguished peers of England. This knowledge reached them, it is true, in an imperfect form through the Dutch newspapers, for their own were strictly watched by the police ; but they were taught to know at least that they had been created for their own use, and not to be the slaves and instruments of others ; and this awakened a new life even among the servile-minded Germans. Rockingham also could not allow himself to be outdone, and Burke, who was his creature, made a similar oratorical display in the lower house in March to that which Chatham had made in February in the lords. Lord Chatham's conciliatory motion was rejected by a majority of two to one ; and in the debate on this motion the contemptible lord Sandwich directed the rudest and bitterest reproaches against Franklin, who was present in the house, and upon whom he continually kept his eye. Franklin was of course unable to make any reply to the offensive and coarse attack made upon him by the first lord of the admiralty, but lord Chatham did it for him and did not spare his opponent. The debates on this motion are especially important, as having indisputably and officially brought to light the existence of a personal government under George III. and a secret camarilla of the narrow-minded king, which ruled along with the cabinet and the parliament. The most important members of the Grenville ministry on this occasion declared openly in parliament, that the attempts to tax the colonies, which had been brought forward in 1767, had not proceeded from the king's official government, but from a secret administration.

Burke, who was then intimately connected with Fox, founded his reputation by the speech which he delivered in the cause of

conciliation, and became the most powerful ally of the Americans. His motion was developed and explained with an uncommon force of reasoning and eloquence, and supported by solid arguments and learning; and although his speech was extremely long and not free from the defects of a mind which was unable to put any stay to the stream of its tropes and metaphors, it yet made the greatest impression upon all those who were not steeped in English prejudices and presumption. The impression was so great, that lord North, false, faithless and audacious as he was, saw that something must be done, and he therefore attempted to lead public opinion astray by bringing forward a cunning and hypocritical conciliatory motion of his own, which the Americans were naturally as little disposed to receive as the Trojans were to receive the wooden horse of the Greeks (*donum, quod Danaï ferebant*). Burke, like many writers of our own times, was remarkable for having converted his speeches in parliament in favour of freedom into a book, which is regarded as one of the most masterly defences of democratic principles; but he also at a later period wrote a passionate book, which he had previously delivered as a declamation in parliament in favour of the feudal system and all its abuses, and which may in its turn be regarded as the gospel of the fanatics, feudalists and defenders of all traditionary and chartered usurpations. The book which Burke drew up as a speech in favour of a peaceable termination of the strife with the colonies and for avoiding the evils and horrors of a civil war, and which he delivered on the 22nd of March, is indisputably one of the best of his productions, although his attempts at conciliation were attended with no better success than those which had been previously made by lord Chatham, whilst the ministers on their part continued to bring forward one measure of severity after another against the colonies. First of all, the provinces of New England, which were already in rebellion, were excluded from the English fisheries, and then came the famous *prohibitory bill*, which included, and therefore repealed, all the previous acts, but which in itself was a declaration of war. This bill interdicted all intercourse with the thirteen united provinces, and declared all American ships, whether on the high seas or in harbours, to be liable to seizure as lawful prizes, and condemned the sailors taken on board their ships to be transferred to the English navy. Hostilities had already commenced in America, and Franklin at the

end of March returned home. He had partly himself sounded the public feeling as well as that of the respective governments in France and Spain, and partly caused such inquiries to be made by others, and knew that congress could not look with any confidence for foreign aid till they prepared the way by a declaration of independence; he therefore no sooner became a member of the American congress than he urgently pressed upon them the necessity of taking this step and proclaiming a *republic*. Before Franklin arrived in America, Fox once more brought forward a motion in parliament in favour of peace.

It might have been supposed that such men as Chatham, Burke, Camden, and others, had completely exhausted all the materials connected with the existing disputes between the colonies and the mother-country, but Fox's genius and vigour of mind opened up to him new topics on which he could enlarge. Early in the year 1775 he opened his career as a statesman and speaker of acknowledged talents and capacity, with a speech which was universally admired as classical, and in which he still endeavoured to ward off the calamities that were impending over the country, and which were being continually hastened by the oppressive and compulsory measures of the government. His talents as a speaker, his chaste and classical style, his freedom from all that mere profusion, bombast, metaphorical exaggeration and ostentation which oppressed Burke's auditors, were received and recognized with great joy, and the simplicity and modesty of the speaker formed a striking contrast to the conceit, self-complacency, and ostentation of Burke. The main point, however, had been long decided. The skirmish at Lexington, the capture of St. John's on Lake Champlain, of Forts Ticonderoga and Crown Point, and the bloody engagement of Bunker's Hill, as well as the resolutions and movements of the Americans, when they learned that parliament had treated all their representations and addresses with contempt, and received the king's letter, in which he refused to recognize their agents, left no longer any opening for or hopes of a peaceful termination. The king's speech delivered on the opening of parliament was publicly burnt in America, and the English flag was torn down and replaced by a national tricolor.

In the autumn of 1775, the Americans, now under the command of Washington, prosecuted their operations with vigour against Boston, in order to anticipate the arrival from England

of the troops which had been bought by lord North's ministry from the German princes. In October of this year the English government recalled Gage, and Howe, who succeeded to the command, was completely shut up in Boston on the land side, and having received no provisions or supplies by sea during the severity of winter, he resolved in March to evacuate the city, which was threatened by an assault from the Americans. As Howe left behind him the chief part of his materials of war, and as he was suffered to embark his troops without annoyance on the part of the Americans, it has been generally supposed that there had been some secret agreement between Washington and the English general on the subject. Howe had no sooner sailed from Boston than the city was occupied by the American general; Howe landed at Halifax in Nova Scotia, and there awaited the reinforcements which had been promised from England. The expedition which the congress projected and partially carried into execution under Montgomery and other generals against Canada, was frustrated at the same time as the English parliament, on the motion of the government, voted large sums for the payment of mercenary troops to be employed in the American war. The English are said to have first entertained the idea of taking 30,000 Russians into their pay; it would appear, however, as if neither the English government nor the Russians could have been serious in this project. Besides, they had the Germans much nearer at hand, who at that time exclusively performed all their deadly military services for the Dutch in Batavia, at the Cape, and in the morasses of the Low Countries, in return for money, which flowed into the pockets of their princes, just in the same manner as the negroes did and do the work in the American plantations. Applications were therefore made to all the German princes who dealt in soldiers, and, to the great joy of their officers, 20,000 faithful subjects were purchased from them, who were forthwith sent to America. In this trade Frederick Augustus of Anhalt-Zerbst was on many grounds the most excusable, and the landgrave of Hesse-Cassel and the margrave of Anspach the most guilty. The landgrave actually impressed the greatest number of the peasants, and delivered them like wares; and the margrave not only imitated but outdid his example, for he put manacles upon many of the refractory who were unwilling to go. Waldeck, notwithstanding its diminutive territory, willingly delivered to the



English on this occasion what it had previously sold to the Dutch. Regiments were also hired from Brunswick, and George III. as elector of Hanover contributed five battalions, which the English were to send from the fortress of Gibraltar, where they were then in garrison. The king's nearest relations, the dukes of Gloucester and Cumberland, were filled with indignation at this trade in human flesh with Brunswick and Hanover, and the duke of Cumberland gave vent to his feelings in parliament against this system of kidnapping on the part of the German princes: "he lamented," he said, "that Brunswickers, once the advocates of liberty in Europe, should now be sent to subjugate it in America." Frederick the Great also spoke with open contempt of this scandalous trade carried on by his neighbouring princes. He said, as is well known, that "*it was quite reasonable he should collect a cattle-tax upon these soldiers of the princes as they passed through his territory, because they were sold like cattle.*"

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### § III.

#### FRANCE TILL 1777.

We shall only advert to the last years of the reign of Louis XV. in this place so far as is necessary to show that the kingdom was merely kept together by soldiers and police, and that all the internal bonds of cohesion were entirely relaxed. We must necessarily come back occasionally to the time previous to and during the continuance of the seven years' war, in order to show that the government was really worse circumstanced with the pretensions of the parliament than it would have been with an assembly of the estates of the kingdom prudently called together. The government and parliament, however, were both equally opposed to the growing necessities and claims of the age and of the people. We shall only touch upon the secret history of the court, its ministers and mistresses, which d'Angerville has treated at great length in his history of the private life of Louis XV., Duclos in his Memoirs, and innumerable others, among whom Lacretelle has presented the chief incidents of the time, in a form attractive enough to his readers, in as far as it is suitable to our object, and unavoidably connected with the history

of a state and a people among whom the court had become the state.

Towards the close of the seven years' war, Pompadour had become quite indispensable to the king, partly as a panderer to his pleasures, and partly as a confidante to whom he could safely entrust the management of affairs; and since the time in which Charles III. had exchanged Naples for Spain, Russia, Austria and Spain were well-pleased to see the whole management in her hands, and therefore gave her their countenance and support. Cardinal Bernis was indebted to Pompadour for the whole of his distinction in life, and therefore devoted to her will, but he became at last alive to the destiny of his country, and was obliged to withdraw, when he no longer wished to see France playing the part which she had hitherto played. Choiseul succeeded him as minister in France, and afterwards gained some importance in Europe in consequence of his intimate connexion with king Charles III. of Spain, although he was only a creature of Pompadour, and ruled the kingdom wholly in subjection to her will. She had, moreover, gained no inconsiderable tact in the administration of the affairs of the country in late years, but disgraced herself and the king by the means which she adopted, till her death in March 1764, of maintaining herself in the favour of the king and in her residence in the palace. The seriousness of history will not suffer us to take further notice of these means, and it is indeed unnecessary, because they are too well known through a variety of channels.

In the affair of the jesuits Pompadour made common cause with the parliament, the philosophers and the minister, and in spite of the superstition of the whole royal family, she was able to suppress an order in France in one year which maintained itself for ten years longer throughout the other states of Europe. She was in this affair the ally of Choiseul, and Louis XV. stood somewhat in the same relation in reference to religion with Choiseul, who belonged to the school of Voltaire, in which George III. stood to the greater part of his ministers, and especially to the earl of Sandwich. Although George III. had not, like Louis XV., to atone for the grossest sins of a licentious life by faith and prayer, he nevertheless sought to attach salvation exclusively to the rigid, formal orthodoxy of the Anglican church, as Louis XV. did to hearing masses, processions, and invocation of the saints. Louis' wife and his father-in-law honoured the

jesuits as the real supports of the church, and his son the dauphin, the father of Louis XVI., was a formal catholic pictist. Choiseul, therefore, did not make himself prominent in ecclesiastical affairs to work out his own views, but he suffered the matter to be dealt with by the parliament, of which he also availed himself afterwards, as soon as the duc d'Aiguillon, the king's companion and daily partaker of all his licentious indulgences, became dangerous to him. The king had left the whole of the public business to Pompadour till her death, and after that event Choiseul very suddenly made himself indispensable to his master, who spent his days in the chase, his evenings at table and in dissipation, and his nights in licentious orgies. Notwithstanding this, the king had so little confidence in his minister, that he sent emissaries into all countries, who were to act as spies upon the official ambassadors, and were often commissioned by the king to do all in their power to counteract the very designs which the others had been sent to effect.

Choiseul was accused by the courtiers of expressly originating difficult and perplexing affairs, to bring the king into difficulties, in order that his services might become indispensable; we believe, on the contrary, that he was led by circumstances into all those things, some of which were afterwards extolled as wisdom, and some of which were condemned as folly. France was indebted to him for the possession of Corsica, and the idea of favouring a revolution in Sweden was also the result of his suggestions, although it was first carried into effect through and under Aiguillon. His interference in Polish affairs, and in the war between Russia and the Turks, cost very large sums of money, and had no other effect than that of depriving France of two of her oldest allies, Poland and Turkey, and throwing them completely into the hands of Russia. The affair which was the most injurious of all, was the intimate alliance with Austria, which took place partly without any blame on his part, because the enemies of the queen at a later period made a dreadful use of the public dislike to the Austrian marriage, by which the hands of the able Vergennes were completely bound up.

This marriage, as well as Choiseul's close connexion with Spain, has been ascribed to his personal circumstances, and to the wish of maintaining himself in his position. There is at least some probability in this supposition, because the negotiations respecting a marriage between the sister of the emperor

Joseph and the future king of France were commenced in the very year in which Pompadour died.

By the death of the dauphin in 1764, Louis XV.'s eldest grandson became dauphin of France; and from that time Choiseul entered into the views of the court of Vienna to betroth the young dauphin with the Austrian princess Maria Antoinette. In this way he gained the interest and favour of the court of Vienna, but irritated and incensed the most powerful and patriotic part of his own nation against himself. The close alliance with Spain in like manner became a species of cabal between the French and Spanish ministers against the jesuits, and between Choiseul and Charles III. himself against the English. In both cases king Louis was used without his knowledge, and partly against his will, for the promotion of these foreign objects. The object was to involve Louis, as an ally of Spain, in a war with England; and this would have been effected if matters had been carried so far as to have led the English to make reprisals in consequence of the hostilities and provocations of the Spaniards. The relations of the governments of France and England to the people and to the prevailing opinion, and their fear of being compelled to sacrifice their especial views to the urgent demands of the age, were of such a nature as to render it necessary to remove Choiseul from the ministry of foreign affairs by cabals, if king Louis and king George were desirous of compelling the king of Spain to make concessions.

Choiseul sacrificed everything in internal administration also to the necessity of maintaining his position at the head of the government. Although he was the creature of Pompadour, and humbled himself before her, yet he was a man of education and had some honour to lose, and must therefore have found the task of maintaining himself in the king's favour yearly more difficult, because the latter continued to sink deeper and deeper, and Richelieu, Aiguillon, and other fashionable profligates were his daily companions. It was unfortunate that the king did not, after Pompadour's death, immediately find a woman who was qualified to fill her place, to rule the monarch with unlimited sway, and to be somewhat observant of the outward decencies of life. Neither the young women with whom they were accustomed to furnish the king's seraglio, nor Mademoiselle St. Romans, who enjoyed his favour for a longer period than the others, were able to exercise that power over him which his



habits and his indulgences required. The profligates of the court at length introduced a woman of the most degraded class into the palace, who completely mastered the king, overthrew the duc de Choiseul, who would not demean himself before her, and, in connexion with the duc d'Aiguillon, ruled the kingdom till the king's death. Choiseul no sooner perceived that Aiguillon was protected by the new favourite, than he availed himself of all his influence in the parliament in order to carry on the war which this body had long commenced with Aiguillon; the latter however at the same time triumphed over the parliament, and drove out and replaced Choiseul.

Since the peace of Aix la Chapelle, the parliaments had carried on a constant struggle with the court respecting the jesuits, the taxes, the registration of the royal edicts, and other affairs; but in the last four years of the reign of Louis XV. these contentions assumed the precise form of those disputes into which George III. had fallen with the corporation of London since the peace of Paris. In France at this time all the rights and privileges of the estates, corporations, and of individual citizens were at the mercy of the most contemptible and scandalous men and women who were favourites at court; and therefore the boldest orators of the public tribunals were universally regarded as the defenders of the rights of the people, which they were not in any respect, nor could they be.

The great judicial courts of ancient France determined the causes which came before them in the king's name, but wholly independent of his influence, as the imperial courts of Germany did, and often even decided against him. The presence of the peers and princes of the blood in Paris moreover gave to the parliament of Paris, on particular occasions, all the dignity and pre-eminence of the Carlovingian tribunals; they were therefore called, in the same sense as the word was applied to the king, sovereign courts (*cours souveraines*). The members and officers of this court were for the most part men of good education, distinguished for their knowledge of law, and closely allied by a corporate spirit as well as by a pietistic fanaticism, which was directly opposed to the jesuits. In the bosom of the parliament, besides, there was to be found united the greater part of the inferior nobility, who found no suitable position in the army. As the parliaments united in themselves the chief court of exchequer, portions of the administration, and was a court of review

and appeal from all the inferior tribunals, it was divided into a vast number of chambers, and had therefore many councillors, presidents, hundreds of secretaries, procurators, barristers, attorneys and inferior officers: in the time of the League and the Fronde it had a whole army of writers in its service, whose name (*la bazoché*) always continued to be a subject of dread in times of public commotion. As the office of a councillor of parliament was only to be had by the payment of a certain sum into the public treasury, the interest of which amounted to something like the salary to be received, or, in fact, was only to be bought, these councillors formed a peculiar species of aristocracy, and the places were hereditary in families like advowsons in England. This parliamentary aristocracy was at all times a matter of apprehension to the ministers of the crown, because the court must necessarily employ the instrumentality of this powerful body in communicating the royal edicts to the inferior courts and magistrates, and commit the oversight of their execution to its members. All these edicts therefore must be read before the court and recorded; and this furnished the parliaments with a pretence for raising objections, making representations, and even of protesting against the legality or tenor of the edicts, which indeed the government would never recognise as a right. This assumed right on the part of the parliament became extremely important for the nation, because, except in the very few provinces where meetings of the estates were still maintained, there was no other body or person who was in any way justified in preferring complaints against any measures of the government whatsoever; and no one dared to venture on such a course, or the consequence would have been immediate imprisonment by virtue of a *lettre de cachet*.

The parliament of Paris not only enjoyed greater distinction than the other parliaments, on account of its sittings being held in the capital, the number of its members, and by associating with itself on solemn occasions the peers and princes of the blood, so as to assume the form of a high court of peers, but also because the limits of its jurisdiction were more extended, and it embraced those very provinces which had no estates. The parliament found opportunities enough of making representations and protests against impositions and taxes, for the government was almost always obliged to obtain surreptitiously, or to raise in an oppressive and unproductive manner, the small revenue of

from four to five hundred millions of livres, which at the most it was then possible to raise in hierarchical and feudal France. This necessity on the part of the government arose from their having completely given up the assemblies of the estates of the kingdom since the beginning of the seventeenth century. The privileges of the nobility and clergy, of individual provinces, cities and corporations, and the anxious maintenance of all those chartered rights, which made any systematic collection of taxes or administration of finance impossible, might have been for the benefit of the whole at the time in which such charters and privileges were conferred, but in the progress of civilization they had become highly injurious. The obsolete forms which embarrassed every step in advance, rendered any distribution of taxes at all corresponding to the means of individuals altogether impossible, and every minister of finance was obliged to help himself by the same means as those to which a banker has recourse who foresees the failure of his house. The expenditure of the state was increasing every year; public credit was completely sunk since the time of the regency; new taxes could not, properly speaking, be imposed without the consent of the estates general; and therefore new burthens were continually laid upon the oppressed portion of the people, who were no longer able to resist.

The parliament embraced a chamber of taxes and a high court of exchequer in itself; and what was called the registration of decrees respecting new impositions always led to long debates, refusals and protests, and, from want of a free press, the parliament finally became the only organ of public opinion. The parliament formed an opposition against the ministers of the crown, which of itself gave a degree of political importance to their struggles in favour of the jansenists, which were often in the highest degree ridiculous, because the court had formed an alliance with Rome and the jesuits against the persecuted jansenists, whom the parliament took under their protection. The parliaments besides contended much more vehemently against the spirit of the age and the prevailing opinions which favoured frivolity and sentimentality, under the name of philosophy, than the ministers of the court, among whom Choiseul in particular solicited and courted the friendship of Voltaire as eagerly as Frederick the Great or Catharine II. The spirit which reigned in the parliaments, and among the learned scholastic theologians and theological jurists of whom it was composed, was completely

the same as the tone of puritanism which prevailed in England in the years immediately preceding the English revolution. No real improvement, no restoration of the relaxed order which had taken place in the political and moral condition of the country, no legislation suited to the spirit of the age and commensurate with the demands of the public, was to be expected from the parliaments and their jurists. These parliaments, composed of the nobility and lawyers, must necessarily take under their protection every kind of traditionary superstition, every ancient, but not therefore the less usurped and injurious privilege, and the use of every species of torture and barbarity in the proceedings of the courts of law; for a genuine theological jurist believes as firmly in the admirable nature of all existing institutions as in the Augsburg confession or in the miracles of the saints. It never occurred to them, that the very nature of their proceedings, like those of the German imperial courts, was such as rendered it impossible for them to carry their decrees into execution without at the same time hastening their own destruction. At a later period the parliaments opposed the king's government, when the latter was desirous of abolishing those detestable and barbarous laws by which, even after the time of the American war, the pious clergy among the reformers were liable to be condemned to the galleys if they ventured to preach to their congregations. The parliament also strictly prohibited such books as Rousseau's 'Heloise' and 'Emile,' which were in every one's hands, and regarded as the pride of the nation, and issued a decree of personal arrest against the author, who was protected and countenanced by a prince of the blood, some of the most distinguished peers, and all the fashionable ladies of Paris, notwithstanding and in contempt of these decrees.

The wars which the well-armed combatants in parliament had carried on respecting dogmas and discipline, jansenism and jesuitism, reached their termination immediately after the seven years' war; on the other hand, political contentions increased in violence just in proportion as the king sunk deeper in incapacity and immorality, and fell into worse hands. The king, and the clever profligates by whom he was continually surrounded, pushed the principle of autocracy and of the divine properties of royal blood to the most revolting extent, as may be seen from the disgrace and incarceration inflicted upon such miserable rhetoricians as Marmontel and Morellet for some insignificant expressions;



men who were always ready to perform the meanest services and to do the most degrading homage, when any purpose of vanity was to be gratified. Whilst this course was pursued by the king and his favourites, the most enlightened portion of the nobility acknowledged Montesquieu's theory of the English aristocracy as the highest wisdom. King Louis, therefore, who was an enemy to all innovation, was compelled, by the resistance of the parliaments to his royal commands, in the last years of his life, to fall in with the spirit of the age, to act in opposition to the conservative principles of the parliaments; first, in reference to philosophical and political economy; and secondly, in reference to the reformation of the whole system of judicial administration.

As respects the latter point, Louis' zeal by no means sprung from a wish to reform the court, or to act in accordance with the requirements of the age, but simply from a feeling of dislike to the parliaments. Before the end of the seven years' war, his royal autocracy had suffered a defeat from the judicial power of these corporations, which had descended to them from the feudal times, when he attempted to maintain and carry through his jesuitical papism in opposition to the parliaments, which were zealous defenders of the jansenist fanaticism. In February 1753 the clergyman of St. Sulpice refused to administer the sacrament to the great grandfather of Louis Philippe, the present king of the French, on his death-bed, because he belonged to the jansenist pietist party, and would not yield obedience to the papistical bulls: this circumstance gave rise to a most passionate war between the parliament and the jesuitical clergy supported by the court. The parliament issued furious edicts against the papistical bulls; the court annulled them; parliament was desirous at first of arresting the clergyman, and afterwards of seizing even upon the archbishop; and the court protected both against this judicial persecution. The contest which took place on this occasion respecting the extent of the prerogative between the sovereign, the government and the court, which was also called sovereign, was so vehement and bitter, that it recalls to our minds the times of the Fronde. The parliament summoned a meeting of all its chambers as one body, and invited the peers and princes to join in its deliberations, in order to give the meeting all the weight and importance of a national assembly. This step could neither be satisfactory to the government nor the people, which, as

it afterwards appeared, succeeded much more easily in the recovery of its rights from the hands of an absolute monarch, than it would have done if it had had to deal with a pedantic and legal aristocracy, and a pietistic, fanatical oligarchy, as the example of England fully proves.

The king commanded the princes and peers not to accept the invitation, and by this step provoked a formal appeal to the nation on the part of a prince of the blood. The prince of Conti did not rest satisfied with having protested against this royal prohibition, but he published his protest, and the reasons on which it was founded. At the same time the speeches and debates in parliament, to whose sittings the public was admitted, became so bold and daring, that the hearers might readily suppose themselves removed to the times of the Fronde. Pompadour and her creatures were attacked in the strongest language; references were made to the fundamental laws of the old French constitution; and learned investigations were carried on to see if the ministers of the crown were justified by any law of the ancient constitution in exercising absolute power in the name of the king in the way in which they had hitherto done. These discussions and inquiries naturally led to the conclusion, that even under an absolute and despotical government, the life, freedom and property of the citizens ought to be inviolate, or only affected by legal forms, if a despot was not desirous of undermining his own throne; the violation of these natural rights was however daily perpetrated in France by means of arbitrary letters of arrest under the royal seal (*lettres de cachet*), of which there were but too many proofs. These royal warrants were at the disposal of every minister of the crown; and not only every minister, but every person who had influence at court could avail himself of these means of tyranny and terror to seize upon and imprison a disobedient son, a troublesome relation or creditor, or an author who had given him any offence. Whenever this dreadful seal was exhibited to any public man, it denoted a living death; it marked him as a person for whom there was neither examination nor court, neither protection nor help to be expected from his family or friends.

The government, it is true, could not furnish any legal proofs of its right to deal with the freedom of the people, but that was by no means necessary in those times on the continent of Europe, inasmuch as it was universally presumed as a thing self-evident,

that whoever was in the possession of power must have right also, and in this spirit the government acted towards the parliament. Four councillors of parliament were arrested and imprisoned, and the whole of the refractory chambers, except what was called the *grand chamber*, were banished from Paris. The grand chamber, which chiefly consisted of the elder councillors, had disapproved of the violent opposition of the others, and especially of those two in which the youngest councillors sat (*la chambre des enquêtes et la chambre des requêtes*), but would not at the same time allow themselves to be used as a means of reforming the tribunals, for which they were especially appointed. This chamber was for a time to be entrusted with the whole administration of justice, and to register an edict for the reform of the other chambers; it however refused to comply, and was therefore at length banished to Pontoise. In its place of banishment the chamber undertook no judicial causes, but it continued to persecute the archbishop with its judgements. The government, which was apparently absolute, now furnished evidence of its own internal weakness and of the uncertainty of all such absolute governments. In consequence of the banishment of the parliament the whole administration of justice was stopped, and in order to meet this difficulty a court was nominated, consisting of councillors of state and ministerial councillors (*maîtres des requêtes*); but the ministerial project utterly failed in consequence of the same constitution of a feudal kingdom, by which they contrived in other respects to maintain every traditional abuse. Every rank, every guild, every class, every college, was inspired with a corporate spirit, and laid great weight upon its own rights and privileges as contradistinguished from those of the state, and maintained them with all the zeal and egotism with which ignorant persons defend contemptible hereditary rights; the inferior courts belonged to the parliament, and regarded it as a gross interference with their privileges to be required to obey a superior court which did not belong to the constitution. The public also would not bring their causes before the new courts, no attorney or advocate would appear in them. The contest was carried on for two years, when it became finally obvious that the corporate spirit was stronger than the power of the king.

Negotiations with the parliament were commenced in the beginning of the year 1754, in July terms were agreed upon, and the minister Machault, who had advised the government to take

these energetic measures, was obliged to exchange the department of finance for that of marine. Machault did not contemplate a mere arbitrary exercise of power, but a reform, because he was a man of great ability, who may be regarded as the precursor of Turgot, and consequently as a person who, long before the revolution, loudly and publicly proclaimed the untenableness of the previous system of administration and government in France. He publicly acknowledged that France could no longer possibly persevere in its previous system, with all its internal divisions, with its provinces regulated by totally different institutions and laws, with its internal tolls, its salt-duties and other taxes, altogether different in different provinces, and with its unreasonable *vingtièmes* and *tailles*.

Machault wished to relieve the oppressed people by a new apportionment of the burthens of the state, to impose their fair share of the public obligations on the nobles and men of wealth, who enjoyed the most unjust and unreasonable exemptions, instead of contributing to the continually increasing expenditure of a state from which they themselves derived the greatest advantages. This alone would have been sufficient to rouse the strongest spirit of opposition in the parliament against the government, because almost all the members of parliament belonged to the nobility who possessed landed estates, even although the government had not threatened their only palladium—parchments and usage.

The government had scarcely restored peace between the parliament and the clergy, because they had need of the services of both, of the former to register financial edicts, and of the latter to obtain a benevolence (*don gratuit*) to enable them to carry on the war in America, and afterwards for seven years in Germany, when they fell again into a bitter contest with the parliament. In this new dispute very violent measures were adopted by Machault, minister of marine, and D'Argenson, keeper of the seals, the former a friend of Pompadour, and the latter her detestation. The parliament, now threatened by military compulsion, not only called in the peers to its consultations, as it had done before, but hit upon a plan, which, if it had been carried into execution, would have converted the dispute with the parliament of Paris into a war with the whole parliamentary nobility (*noblesse de robe*) of the kingdom. It was alleged as a principle that all the sovereign legal courts in France constituted only one body, of which



the parliament of Paris was the soul ; or as it was expressed, that all the other parliaments belonged as classes to the parliament of Paris. The ministers immediately perceived the danger of this doctrine, and caused the king in person publicly to prohibit the enunciation of such theories in parliament, and all attempts to give them efficacy by speeches or decrees ; or in other words, they caused him twice in the same year, in September and December 1756, to hold what was called a *bed of justice* (*lit de justice*), in which the king, in order to convert the parliament into something resembling an ancient assembly of the Franks (*cour plénière*), took his seat after the fashion of the Merovingian kings, with a cushion at his back, cushions under each arm, and one under his feet. Notwithstanding all these pompous and absurd ceremonies and royal sittings, at which etiquette imposed silence upon all those who were present except the king and his chancellor, the parliament immediately renewed its protest as soon as the king had left the assembly : it protested against such an invasion of their freedom of deliberation, and utterly refused to acknowledge any resolutions forced upon them by the mere personal authority of the sovereign. This gave rise to new contentions ; some of the chambers which were particularly vehement were abolished ; the contest waxed more violent in word and action, and daily encroachments were made upon the political influence of the parliament by royal decrees.

Feelings of indignation were at that time so strong amongst all the families of the members of parliament, and the expressions to which they gave utterance against the court, the king, Aiguillon, and women of bad reputation, such as the countess du Barry, who ruled the kingdom, that the very menials of the jansenist families became fanatical in the cause. The scenes and speeches in the public assemblies of the parliament were so exciting, that the murderous attempt upon the king made by Damiens was ascribed to jansenism and parliamentary vehemence, in the same manner as the attempts which have been made in our days against the life of Louis Philippe are ascribed to jacobins. It was said that the former servants of the parliamentarians were driven to a species of madness by hearing the conversations and speeches respecting the unholy and illegal doings of the court. This attempt at assassination, by which the king was very slightly injured, gave rise to a cabal within the circle of the court itself, the result of which was that Machault, as well as

D'Argenson, was removed. The contest between the clergy and the parliament, however, was still carried on for a considerable time under the succeeding ministers, till at length the second dispute ended like the first. In order that the court might be relieved from its pecuniary embarrassments by the registration of its financial edicts, all the chambers of the parliament were restored to their former functions, and in September 1757 everything was re-established on its previous footing.

The financial edicts which were afterwards laid before parliament were in reality mere extortions, which only furnished means for the moment, and in the last case were only further impositions inflicted upon those classes of the subjects already oppressed with taxes, feudal services, tithes, salt-duties and a poll-tax: the consequence was, that the parliament had been only two years restored to its rights when a new contest arose. Machault was obliged to sacrifice his place as minister of finance, because he ventured to propose to the parliament the recognition and approval of a species of taxation, the burthen of which would have fallen chiefly upon the privileged classes, of which the parliament for the most part was composed; his successors therefore, who did not venture to think upon the introduction of any species of improvement, were obliged to help themselves out by extortions. The government was involved in great difficulties in consequence of the seven years' war, which had cost France immense sums in Germany, upon the coasts of their own country, in the colonies, and at sea, and led to the loss of money and property, from which difficulties they could not be relieved in the proper way without calling an assembly of the estates. The three ministers who immediately succeeded Machault, viz. Moreau de Sechelles, Moras and Boulogne, although they had recourse to all possible means of raising money to meet the expenses of the war and the extravagance of the court, found themselves reduced to inextricable difficulties; they were therefore replaced by a man who was supposed to be more fertile in expedients and better disposed to act with greater boldness against the parliament and public opinion. Belleisle conceived that he had found such a man in Silhouette.

Silhouette commenced his official career by a measure which was equally a matter of rejoicing to the extravagant court, to Pompadour and the oppressed people, and therefore appeared to do what was really incredible: he raised 72,000,000 of livres with-

out laying any new burthens upon the people; for it appeared as if he took the money out of the purses of the farmers-general, who were the blood-suckers of the nation. He had previously recommended himself by the remedy of some crying abuses in the mode of farming the taxes, and now, in order to obtain these 72,000,000, he forced some participators in their profits upon the sixty farmers-general who enjoyed the advantages of farming the taxes of the nation; he put 72,000 shares, of 1000 livres each, into circulation, the holders of which were to receive for the amount of shares which they held the half of the profits realized by the farmers-general upon sums paid by them of equal amount: he afterwards lightened the burthensome property-tax\*, in order further to recommend himself by the abolition of many of those abuses which had progressively crept into the mode of collection and which particularly increased its burthen upon the people; but when his first means of resource were exhausted, he too fell into a war with the parliament, and was only able to maintain himself for eight months in his position.

The millions which Silhouette surreptitiously obtained without asking the parliament proved insufficient; he therefore all at once came forward with several edicts referring to taxes of all descriptions, which were to be raised under the name of a *subvention*. For this purpose he needed the aid of parliament, but as their resistance was anticipated, he determined to commence the registration immediately by a bed of justice (*lit de justice*), in order that the king in person might thus overrule and constrain the parliament. In September 1759 the parliament was accordingly summoned to hold its sitting at Versailles, in order to register some new taxes upon the king's command; this attempt gave

\* The tax called *taille* in France was of a description which could be raised without being registered by parliament, which was the case with no other tax. It was laid upon landed estates in the districts of Grenoble and Montauban alone, and in three portions of the commune of Bordeaux, *exclusively* upon land belonging to ordinary citizens, and not upon land possessing feudal rights. In all other parts of France the *taille* was personal, and calculated according to the property or income of the individual. The ministers of finance contrived by a trick to bring manorial estates also under the *taille*. The person who farmed the estate was obliged to pay as much under the title of *taille d'exploitation* as the possessor of a common estate of equal amount, and the farmer was obliged to bear all the other public burthens, which were regulated according to the *taille*, as the quartering of soldiers and other dues. In cases in which a manorial estate or ecclesiastical property was farmed by the owner it was free, if he only used four ploughs; everything beyond was taxable like other property. Many of those measures which extended taxation beyond the circle of the citizens and peasants originated with Silhouette.

rise to a new contest, in which also the parliament again proved conquerors.

In the short period of his administration, Silhouette had contrived to make himself an object of suspicion and hatred to persons of all ranks and conditions, because he had provided for and regulated the economy of the state in the same manner as had been done under the regency: he completely ruined the credit of the country, because in order to help himself out of present difficulties he emptied the whole of the treasury and put off for a year the payment of his exchequer bills (*billets des fermes*), the repayment of all sums falling due, and the discharge of all annuities and other claims upon the treasury. Before he retired from his office he even renewed the measure to which recourse had been had in the time of the regency, by which every man was compelled to send all his silver plate to the mint. By Silhouette's removal from the ministry of finance a sort of truce was purchased between the government and parliament, but this proved of the shorter continuance, as at this very time Choiseul was appointed to the helm of affairs, who knew well how to avail himself of parliament in a most diplomatic manner for the promotion of his own private views, in order to make himself important and indispensable to the king. The parliament was then carrying on an unceasing contention with the court, sometimes about taxes, sometimes about jansenism, sometimes about the jesuits, and finally on account of the favourite and companion of the king, the duc d'Aiguillon. We must dwell upon this last-mentioned ground of dispute a little more in detail, because it ultimately led to the abolition of the parliament, which Louis XVI. ought not to have restored precisely at the very moment in which the people began to forget it. After the death of the marchioness de Pompadour, the duc d'Aiguillon first fell into a dispute with the parliament of Rennes, and secondly with that of Paris, which involved him in transactions from which he could not extricate himself even by the favour of the king. The history of the duke's contention with the parliament, on which we shall dwell at greater length than its own importance deserves, furnishes an indisputable proof that a condition of government and administration which could give rise to a conflict of this kind at the close of the eighteenth century could not possibly endure for any length of time. The only advantage of a military monarchy and an absolute constitution, such as then



apparently existed in France, consists in the possibility of adopting rapid measures of government and in the unity of its designs. In these transactions however the minister Choiseul appeared in alliance with the parliament against the jesuits, the king, and the clergy; the estates of Brittany, or rather the nobility and clergy of Brittany, first contended on the side of the duke and the king in favour of the jesuits against the parliament; then again the nobility and clergy were allied with the duke when he fell into a dispute with the parliament of Brittany; whereas the parliament found its chief support in the body of the citizens.

The duc d'Aiguillon possessed what was then considered as the chief ornament of a courtier,—pre-eminence in every sin, was inseparable from the king's orgies, and notwithstanding his insolence and pride, did homage to every clever courtesan who acquired influence and dominion over the aged monarch; along with all this, he, like the king, was zealous for the cause of the pope and the clergy, for the ceremonies and external forms of religion. With all the skill and pliancy of a courtier, he, like most hypocrites, combined in himself great harshness of character, despotic feelings, and contempt for public opinion, because he and his fellows were accustomed to dignify their licentiousness, extravagance and disregard of honesty, with the name of being fashionable and distinguished. He therefore, when commandant of Brittany, played the sultan in every respect, and pushed that sort of criminality and licentiousness in which he indulged in company with the king in Paris and at Versailles to such an incredible extent, that no age was a protection against his passions, and he even violated the sanctuary of the convent. The parliament of Brittany, following the example of that of Paris, was filled with indignation at his conduct, and resisted the various taxes which he wished to impose: the duke treated its members in the most brutal manner. The distinguished but somewhat vehement attorney-general, La Chalotais, was persecuted by him with irreconcilable hatred: this was the same La Chalotais, whose admirable work on education and instruction was translated into German by Schlözer, with an introduction and notes, and widely circulated in Germany as a sort of antidote to Basedow and Wolke's fooleries on the subject of education. The governor's hatred against Chalotais was partly caused by an unlucky witticism in which the latter indulged in parliament at his expense, and which bore the character of a malicious

allusion to the military despot. The commandant's flatterers were accustomed to eulogise his bravery in general, and especially the courage which he displayed on the occasion of the landing of the English in 1758: general opinion by no means concurred with that of the duke's parasites; it was said indeed that the duke had hidden himself in a mill till the brave militia of Brittany had again driven the invaders back to their ships. In his speech in parliament against the duke, the attorney-general alluded to this engagement, and said he referred to that bloody day on which their commandant the duke, if he had not reaped glory, had at least gained flour.

The estates of Brittany and the jesuits furnished the duke with the desired opportunity of revenging himself on the parliament, because the estates insisted that the decrees of parliament against the jesuits in Brittany should not be put into execution, and in this they were secretly supported by the king and the commandant. Choiseul was at that time at the head of the government, which wished effectually to root out the order of the jesuits; whereas the first officer of the crown in Brittany, relying upon the personal friendship of the king, acted in contravention of the designs of the government; and that was called a constitution and government! The parliament then assailed the king on another point: it was discovered that the money which had been voted for the repair and maintenance of the highways had been applied by the duke for a different purpose, and it commenced a suit against him for the misapplication and embezzlement of the public money. We pass over the history of the particular incidents of this disagreement, and the scandalous exhibitions of animosity between the sovereign court and the representative of the sovereign government. The end of it was, that La Chalotais was sent by the parliament to Paris to endeavour to induce the king to recall the duke from Brittany, with an assurance that his recall would immediately put an end to the dispute between the estates and the first officer of the government. The attorney-general was very ill received in Paris, as there were apprehensions of a new conspiracy; for the government bore in mind that the parliaments of Paris, Toulouse, Rouen, Besançon and Pau had lately formed a most formidable combination against Silhouette and the financial measures of his cabinet.

The scenes which had taken place in the parliament of Paris,

and those allied with it in the time of Silhouette, were now renewed in Brittany. Bertin, who had become minister of finance instead of Silhouette, had proved wholly unequal to the difficulties of the position, and withdrawn: his successor L'Averdy, as the easiest means of immediately raising money, doubled the heavy tax upon houses and land (*vingtième*). The parliament of Rennes strenuously resisted the introduction of this double taxation, and this gave rise to a long and vehement contest between the governor and the parliament. In the course of this contest the duke behaved in such a despotical manner, and the compulsory measures to which he had recourse were in such flagrant violations of existing rights, that the most distinguished councillors sent in their resignation. About the same time Chalotais returned from Paris grievously offended, and from this time forward pamphlets, speeches, songs and publications of all descriptions, filled with the most vehement attacks upon the government, were circulated in Brittany, and sent secretly from thence into all parts of France, so that it was easy to trace their influence upon the minds of the people till the time of the revolution and during the early stages of that immense popular commotion. The rights which had been secured to the parliament and the province by ancient charters and usage appeared at that time to be endangered, and the attorney-general entered into correspondence with his brother officers in Paris, Rouen and Toulouse, whose parliaments were threatened with similar dangers; and even the estates of Brittany, that is, especially that of the rank of citizens, and the towns forgot the cause of the jesuits, and resolved to unite with the parliament in defence of their civil rights.

The vehemence of the publications which were issued and of the commotions which were excited, the combination of the parliaments, and the union of the parliament of Brittany with the citizens, furnished the court, and especially the minister of finance, who was in other respects an eager jansenist and parliamentarian, with an opportunity of secretly instituting a criminal prosecution before the parliament of Paris against those councillors who had insolently thrown down their office; whilst Chalotais was treated with all the tyranny of a military despotism. On the express orders of the king, the duc d'Aiguillon suddenly arrested the attorney-general, his son, and five other councillors of parliament, on the night of the 10–11th of November 1765,

and on this occasion he made a most absurd parade of military pomp, by surrounding their houses and having them carried off like criminals by the police to a fortress. The government brought disgrace upon themselves by these proceedings to no purpose, because they proved the very means of giving additional influence and importance to the persons whom they arrested, who were forthwith regarded as the defenders of their country, and the government was also obliged to make compensation for the injuries it had inflicted. The proclamation which was issued in the name of the king, in which the most miserable accusations were made in the name and person of the king himself, and of which there was no shadow of proof, was still more disgraceful to his majesty and the government than even the ridiculous military expedition headed by the duc d'Aiguillon against La Chalotais\*.

The absurd and wholly undefined charges contained in the king's letters patent (*lettres patentes*) were to form the ground of a judicial inquiry and prosecution; the object was to force the parliament of Rennes to prosecute those who had been arrested by the king's command, and thus to punish its own members who resigned their offices as councillors. The numerous councillors who had sent in their resignation declared that they persisted in their determination, and many others now joined in their declaration. A monarchical and military experiment had been made upon the parliament of Pau, which had been attended with success; D'Aiguillon and the other instruments of that mistress, or of that minister, who was then in command, therefore resolved to make a similar attempt with the parliament of Rennes. A thing which was called a parliament was formed from the cowardly, venal, and servile councillors of the old body, to which some new members were added, and the parties who

\* In the king's letters patent, dated the 16th of November, the following language is put into his mouth: "Que ces magistrats lui avoient été représentés comme également ennemis de son autorité et de la tranquillité publique. Ils sont *fortement soupçonnés* d'avoir cherché depuis quelque tems à exciter et fomenten en Bretagne une fermentation dangereuse et pour y parvenir ils ont fait entre eux des assemblées illicites, formé des associations criminelles, et entretenu des correspondances suspectes; et non contents de diffamer par différentes libelles ceux qui avoient marqué de l'attachement au service de leur souverain, ils ont entrepris de répandre des écrits composés dans l'esprit d'indépendance qui leur avoit fait tenir en public des discours les plus séditieux, qu'enfin ils avoient porté l'audace jusques à faire parvenir à la cour des billets anonymes, injurieux à la personne du monarque et attentatoires à la majesté royale."



had been arrested were arraigned before this tribunal. The prosecution in fact was commenced before this mutilated and corrupt court; but the general indignation of a province whose inhabitants are proverbially vehement was expressed in such a manner, that even the judges who had been specially selected as fit instruments for the occasion did not venture to come to a conclusion, or to pass any sentence of condemnation upon the accused. It was therefore found necessary altogether to give up any semblance of a regular parliamentary tribunal, and to have recourse to a species of military commission.

New letters patent were issued for the formation of a royal commission (*commission du conseil de sa maj.*), before whom the prisoners were to be tried in St. Malo, as before a court of king's bench. The persons who were selected for this commission did not find it necessary to pay any attention to the feelings or opinions of the people of Brittany, as the parliament was obliged to do; they were so chosen, that the members should have no scruple in announcing and avowing as their own a sentence which had been really decided upon and drawn up in Versailles. The commission sat in the end of January 1766, and they were about to pronounce the sentence of death which had been sent to them ready made from Versailles, when some urgent remonstrances, sent by the parliament of Paris, deterred the king from his design; Choiseul also roused his conscience on the point, and represented to him the extreme danger of the course he was about to pursue. The whole affair was recalled at the very moment in which everything was ready, and the cause again referred to the court, where it should always have remained. The sentence of death as well as the whole of the proceedings were annulled, and on the 17th of February 1766 the case was again referred to the natural and legal judges of the accused: these judges were the members of the parliament of Rennes; as this however was now nothing more than a rump parliament, La Chalotais refused to acknowledge it as a competent tribunal.

This refusal was not only well-founded in reason, but also in law; the parliament was servile and mutilated, and the attorney-general appealed to an ordinance of the year 1737 in which express provision was made for such contingencies, and it was declared, that if just objections were made to the parliament of Rennes, the causes in question should be referred to that of Bordeaux. The parliament of Rennes, however, paid no

attention to the objection, the suit was continued till July, and in order to make sure of a conviction, a parliamentary councillor was appointed public prosecutor who wished to have nothing to do with the affair, and even declared that he was the deadly enemy of La Chalotais. The course of justice was delayed and impeded by the minister himself having previously brought an action before the parliament of Paris against the councillors of Rennes for a refusal of justice. The parliament of Paris was of opinion that the merits of the action could not be considered apart from the case of La Chalotais, and appointed a referee who took the minutes and papers connected with the case to his house to examine the question: his house was surrounded by soldiers and police during the night, and the papers were carried off by force. The government sent the papers thus seized by violence to Rennes and united the two causes; the ministry however soon bethought itself of another plan, ordered the causes to be kept apart, finally withdrew the affair wholly from the hands of the jurists, with whom they could make no way, and decided it themselves. La Chalotais and the other prisoners were conveyed to the Bastille in November 1766, and the prosecution was withdrawn from the parliament and referred to the king's council.

The last resolution was taken, as it soon appeared, merely in order to get out of the difficulty with honour. The king caused a report to be prepared by the council and laid before him, and then, having gone through this absurd pretence, he issued an order under the great seal in November 1766, by which the whole prosecution was declared to be at an end by his majesty's command. In this royal decree it was declared, that both the offence and the accusation were to be regarded as forgotten, and the accused immediately liberated from the Bastille. Notwithstanding this royal decision, the king's displeasure was manifested towards La Chalotais, his son, and four councillors of parliament, by ordering them to be banished to Saintes, and this instance of the royal dissatisfaction was made known to all the attorneys-general in the kingdom. The estates of Brittany, the parliament and the duc d'Aiguillon in the meantime continued to carry on their disputes; they were in fact at open war, and not a month elapsed which was not distinguished by some acts of violence, by attacks upon existing rights, and instances of banishment or incarceration. In the course of three months, Aiguil-

lon's uncle, the minister in Paris, obtained no less than 130 *lettres de cachet*, which he sent to his nephew in Brittany, where they were used as instruments of tyranny and terror against the first persons in the country. Choiseul was opposed to the ambition of both uncle and nephew, and as their antagonist again interfered, but sought to maintain his credit with both parties. On the one hand he contrived to induce the parliament to make some concessions, and on the other to make it obvious to the king that Aiguillon's friends and relations, and the whole of the opponents of the parliament, were wrong in supposing that Aiguillon possessed the energy of cardinal Richelieu and could succeed in bringing back the times of the monarchy in which he lived. The king was at length persuaded of the wisdom of recalling Aiguillon from Brittany and appointing the duc de Duras in his stead. The parliament was then restored to the full exercise of all its former privileges and rights, and the councillors or members of the estates, who had been prosecuted, imprisoned or banished by Aiguillon, were restored to liberty and their friends. These events took place in 1768, and in the year immediately following the scandals of the court led to a new and violent war with the parliament.

One of the profligates of the court and panders to the depraved tastes of the king had met with a young woman named Lange in a house of bad reputation in Paris, who was a common courtesan utterly destitute of shame, but of surpassing beauty. She was immediately recommended to the notice of one of the king's chamberlains, to whom the oversight and management of such affairs were peculiarly entrusted. She was in consequence brought to the palace, and by her arts gained such a complete ascendancy over the king, that feelings of disgust and abhorrence were excited in the public mind when it was known that a common courtesan, of the most degraded stamp, whose tone and manners betrayed the place from whence she came, was received into the palace and occupied those apartments which were appropriated to a queen. The whole court was to do her homage, as they had formerly done to Pompadour; she was to be ennobled by a title, and therefore was immediately married to the brother of the profligate who had discovered her in her den of infamy, became countess du Barry, and then she was presented at court (1769), as it is called, or in other words, the court was converted into a brothel. On the appearance of the

new favourite, the duc d'Aiguillon gained an ally against Choiseul, whom he had been long desirous of driving from the head of the government, that he himself might take his place; and when he afterwards actually became first minister, never hesitated to become the client, protégé and dependent of this new royal favourite; he behaved, in fact, like a man who was destitute of all feelings of propriety or shame. Besenval, who had been one of the licentious companions of the old court, and, alas! also, of the new one, which was not however wicked as well as trivial, and who was called by the witty courtiers Besenval, the Swiss of Cythera, reports of him, that he, as first minister of state, bestowed all public places of trust and authority quite according to the wishes of Du Barry\*. Choiseul could not bring himself to render unconditional homage to this degraded woman, although he had previously done so to Pompadour, who in fact had become fully mistress of all the forms of public business, and been long accustomed to the direction of affairs before he came to court.

The collectors of anecdotes and of the scandal of these demoralized times, in which the history of the state had become merely the history of the court, assign other special reasons for the small degree of attention which Choiseul showed to Du Barry. He was said to have been completely under the influence of his sister, the duchesse de Grammont, who could not suffer herself to sanction the tone and manners of Du Barry, or even approve of her brother showing her the least degree of attention. Choiseul himself was a good-natured, amiable man, a man of the world and of distinction, according to the cultivated and refined licentiousness of the school of Voltaire, but by no means of that of the coarse and vulgar profligates who now formed the king's associates; the persons who pleased Du Barry and the duc d'Aiguillon were of a wholly different character. The last years, therefore, of the reign of Louis XV. furnished an example of what was believed wholly impossible; the government sunk

\* Those who have any desire to know anything of the sayings and doings of those circles to which Besenval belonged, will find a full account of them in his '*Mémoires*,' Paris, 1805. 4 vols. 8vo. Segur very characteristically remarks of him and the species of triflers to whom he belonged: "*Dont la légèreté toute Française faisoit, qu'on oublioit qu'il étoit né Suisse.*" In reference to the passage alluded to in the text, it is said (vol. ii. p. 62): "*M. d'Aiguillon, qui étoit parvenu à prendre tout le crédit, n'accordoît aucune grace qu'elle n'eût passé par Madame du Barry, et qu'on ne se fût adressé à elle pour l'obtenir.*"



still deeper in the estimation of all men of rectitude and patriotism. For twelve years Choiseul had dealt with the kingdom and its finances with the greatest French frivolity, as if they had constituted the mere private concerns of Pompadour and the king; with the treasury as a benefice of the duc de Praslin, and with foreign affairs for the promotion of his own particular views and interests; he had still however maintained some degree of dignity, and this remnant now utterly disappeared. Choiseul had already entrusted the management of the finances to Praslin, to whom the contests with the parliament, and the change of the controllers of finance, are ascribed; before he retired he also brought into the ministry one of the most hard-hearted and most audacious calculators who had been employed to drain the pockets of the people in France since the times of Emery. Choiseul's cousin, the duc de Praslin, who was placed at the head of that department of the government which managed the exchequer, had always regarded his place merely as a gold-mine in which he was allowed to dig according to his pleasure, and all the severe measures of Silhouette were especially attributed to him.

When Bertin, who succeeded Silhouette, was no longer able to maintain his position, Choiseul, who still conducted the affairs of the state without being nominally prime-minister, selected L'Averdy for controller-general of finance, who was one of the pious members of the jansenist parliament. L'Averdy appeared at first inclined to the reforming plans of the political economists, to whom Turgot belonged; but his subvention edicts, to which we have already referred, compelled Choiseul, who was always a trimmer, to insist upon his being again dismissed in September 1768. His successor, Maynon d'Ynvan, was at that time a rare phaenomenon in the post of a controller-general of finance. An honourable man like Maynon d'Ynvan could not possibly remain in the administration of the treasury of France at such a period, and chancellor Maupeou found an ecclesiastical councillor who was much better suited to the office. He became acquainted with a theological jurist in parliament who was a man of a stony heart, whom he recommended to Choiseul. The abbé du Terray, whom Choiseul, on Maupeou's recommendation, appointed minister of finance at the end of the year 1769, was a man wholly destitute of all feelings of humanity and compassion, possessed a countenance as insensible to emotion as those of lord North, Talleyrand, and other diplomatic *virtuosi*, was able to in-

dulge in sarcastic witticisms on the misery of the people which he had himself caused, and in meanness of language and expression was nearly on a level with Du Barry. During the last years of the reign of Louis XV. this man reduced the finances and the kingdom, whose credit was wholly destroyed, to such a condition, that he himself openly admitted that he knew of no further means of supply, and yet, although all other payments were suspended, he caused Du Barry's allowance of 60,000 livres a month, which were appropriated by the king to this infamous courtesan, to be regularly paid.

We have called this new and hard-hearted minister of finance a theological jurist (a bad species of men), because he had made the acquaintance of the future chancellor when he was acting as a councillor in ecclesiastical affairs (*conseiller clerc*), whilst the latter was president of the parliament. Both of them continued to be friends of Choiseul as long as he was in favour, and both of them, like Voltaire, withdrew from his friendship as soon as he fell into disfavour, and both did homage to the rising constellations, Du Barry and the duc d'Aiguillon. Maupeou, who was afterwards made a tool by Aiguillon against the parliament, continued to be first president of the parliament till 1768, when he was appointed chancellor; he then became the most violent opponent of the court over which he had previously presided, and Du Terray was scarcely installed in his office of controller-general at the close of the same year, when he engaged in a contest with the parliament. He published a number of edicts, by which all the payments then due were stopped, the payment of the bills drawn upon the farmers-general of the taxes refused, the interest due upon sums borrowed retained in the treasury, and the payment of the sums accumulating as a sinking-fund obstructed. He did not even stop here, but seized upon the moneys accumulated in the savings-banks; and whilst he allowed all other yearly salaries to remain unpaid, he continued to furnish the means for paying the royal pensioners and favourites. All these important events occurred in 1769-1770. He withheld the payment of all the officers and servants of the state, because all the cash which could be collected was necessary for the supply of the king's privy purse, from which not a farthing was allowed to be taken for the expenditure of the state; and this ready money was used as a means of making speculations for the king's personal advantage.

One of the chief questions of French political economy at that time was the trade in corn, which, like every other description of intercourse and commerce, was subjected to numerous restrictions; Du Terray appeared all of a sudden to do homage to what was then regarded as a most liberal principle, by setting it free from all restrictions; but in fact this free trade in corn was laid hold of as a means of some of the most scandalous speculations which were ever undertaken by a king for the benefit of his private resources. The bread of the poor and necessitous was made an object of royal speculation. It was universally known that speculations were entered into on the king's account, such as those which are made in the great corn-markets of Europe, not with a view to cheapen the price of bread to the poor, but to make it dearer; for at the very time in which there was a universal dissatisfaction in the country at the rise in the price of bread, the government was guilty of the imprudence or precipitation of introducing the name of a paymaster of the king's purchases of corn into the royal almanac. This free trade therefore was a complete delusion, because their command of cash enabled those who speculated for the king to buy great masses of corn at a low rate, to raise the market by monopolizing the article, and then to sell at an enormous profit. Moreover, the bloodsucker who devised all these schemes was rich in various knowledge. Du Terray also promoted the new system of the economists, and found persons who were clever enough to demonstrate the admirable wisdom of his measures; and those were exposed to general ridicule who complained of his schemes, since all appeared so quiet and orderly. No one among the privileged classes at that time suspected that the minister of finance, and afterwards the chancellor, by their measures drove that maddening hatred to a system of absolute monarchical government through all the veins of the people, which burst forth with such irrepressible violence and barbarous rage twenty years afterwards, precisely because it had been so long and so powerfully repressed.

Choiseul and D'Aiguillon continued to carry on their contest with each other by all sorts of intrigues; the latter attempted to overthrow the former by means of the influence of Du Barry, whilst Choiseul laboured by means of the parliament to prevent the friend of the king and Du Barry from becoming manager of the public affairs, which he himself had hitherto conducted.

Since his recall from Brittany the duc d'Aiguillon had been the inseparable companion of the king and his mistress. In order to have a privileged access to all the orgies of the palace, he had obtained the situation of commandant of the hussars of the royal guard; but the revenge of the parliament of Rennes followed him even to Versailles. The parliament declared that they were in a condition to furnish documentary evidence to prove that the duke, as governor of Brittany, had been guilty of suborning false witnesses against his enemies in the parliament, and even of attempting the lives of some of the councillors by poison: this question was now brought forward. A judicial prosecution against him was commenced, which however could with difficulty have been brought to any result. Every one was led by the duke's own conduct to surmise that he was conscious of his guilt, because the king attempted to put an end to the prosecution, not in the usual way, but by a cabinet order (*arrêt du conseil*). This attempted interference on the part of the king with the usual course of law gave rise to such a violent commotion in the parliament, among the estates of Brittany, and by their means through the whole of France, that the chancellor himself became alarmed, and conceiving that he, as former president of the body, might reckon with some confidence upon parliament, he advised the king to give up the idea of attempting to put an end to the case by an absolute dictum, and to have recourse to the ordinary mode of parliamentary justice and chicanery.

This advice was taken, the *arrêt du conseil* recalled, and the cause withdrawn from the parliament of Rennes and referred to that of Paris, in order to deliver Aiguillon from the prosecutions promoted by La Chalotais and his party in a splendid and judicial manner, and to escape the bitter animosities of the whole province of Brittany on account of the violation of one of the chief conditions of their union with France. This removal of the trial was founded in justice and law, because in such a case, the duke, as a peer, was amenable to the judgement of the court of peers alone, and the parliament of Paris was so regarded when the princes and peers were present at its sittings. On this occasion the king and his party wished to make sure of their cause, and at the same time to give the court the highest degree of solemnity and pomp; the sittings therefore were appointed to be held in the king's presence in Versailles, and the court to be opened there on the 4th of April (1770). As long as the affair was



new to the king, the speaking and procedure might have proved entertaining, but he soon became weary of the court; and besides, a pause in the proceedings took place, on account of the festivities in Paris and Versailles in consequence of the marriage of the Austrian princess Maria Antoinette with the king's grandson, the dauphin. These festivities were unhappily accompanied by a great misfortune and loss of human life. The king was prevented by these fêtes from giving further attention to the cause, the chambers in the palace which had been appropriated for the parliament being required for other purposes, and the sittings of the court were again removed to Paris. The parliament was now doubly irritated against the chancellor, the controller-general, and the scandalous proceedings of D'Aiguillon, Du Barry and the king, because at this very moment they threatened to ruin and corrupt the successor to the throne also, by introducing the pure-minded bride of the dauphin, and the young dauphin himself, into the sink of pollution into which the palace of Versailles had been recently converted. Parliament therefore sought to revive all the former causes of accusation and contest. The violations of law and justice in the case of La Chalotais were not only brought before the court, but the question was raised and discussed anew, whether the king really possessed the right, by his own sign-manual and personal order (*lettres de cachet*), to seize upon and imprison whomsoever he pleased, and they appeared as if they were disposed to commence a prosecution even against those members of the cabinet who had advised the king in the affair of the parliament of Rennes. These movements excited great anxiety in the cabinet, and the parliament was summoned anew to meet in Versailles, in order to put an end to the prosecution against Aiguillon by a personal dictum of the king.

The parliament was now again about to have its power and privileges destroyed by being called to a royal sitting, in which its members were not allowed either to express their opinions or to give an open vote, and in which the chancellor, who went round and collected the votes in a low tone, could easily make the minority into the majority at his pleasure, and it therefore resolved to anticipate the court. In order to prevent Aiguillon's case from being issued a third time by a royal *placet*, the whole parliament, at which the princes and peers were present, declared beforehand, *that they could never regard any accused person, and*

*especially the duc d'Aiguillon, as acquitted when the verdict of acquittal was pronounced at a bed of justice.* Notwithstanding this, such a Carlovingian or Merovingian court was held at Versailles on the 27th of June 1770, in the queen's anti-chambers, on which occasion the young dauphiness, from a lodge in one of the chambers, was a spectator of the grand drama of a solemn court of justice. The chancellor first delivered a long and harsh lecture\* to the court in the name and by order of the king, and then a new letter patent signed by the king was entered on the records of parliament, upon the king's command and in his presence, in which it was declared that all the proceedings which had been taken before the parliament in the respective causes of the duc d'Aiguillon, La Chalotais and Caraduc, were by this deed annulled, and that it was the king's pleasure that every step which had been taken in these causes respectively should be regarded as if it had never been taken; and moreover, that no one should hereafter dare either to revive those questions in any form whatsoever, or even to mention them.

In order to give a proof of his disapprobation of the parliament, and to bear public testimony to his friendship and regard for the duc d'Aiguillon, the king immediately took the duke with him to Marly, because it was a royal custom to show special marks of attention by inviting guests to the country palaces. Whilst the king was dining in public with Du Barry and Aiguillon in Marly, with the express design of distinguishing the latter by special marks of favour, the supreme court passed a sentence of condemnation upon the man whom the king thus delighted to honour, and in a form of unusual severity. A decree published on the 2nd of July declared the duke to be seriously inculpated and *affected* by suspicions and even by facts, which left a *stain upon his honour*; that he was therefore suspended from the enjoyment of all his privileges and functions as a peer,

\* The chancellor summed up his long address in the following words: "Que S. M. avoit reconnu avec indignation dans le cours de la procédure, 1. qu'on se permettoit de s'ingérer de l'examen et de la discussion d'ordres émanés du trône et qui liés continuellement avec l'administration devoient rester dans le secret du ministère, qu'on avoit poussé la témérité jusques à annuler les arrêts aux dépositions: 2. qu'il régnoit dans toute cette affaire une animosité révoltante, une partialité marquée, que plus on la sonçoit, plus on trouvoit de mystère, d'horreurs et d'iniquités, dont S. M. vouloit détourner les yeux; qu'en conséquence il lui plaisoit, de ne plus entendre parler de ces procès, arrêter par la plénitude de sa puissance toute procédure ultérieure, et imposer un silence absolu sur toutes les parties des accusations réciproques."

till he was fully acquitted by a court of peers, by a sentence passed after the observance of all the necessary forms prescribed by the laws of the kingdom, for *which nothing could be a substitute\**, &c. This decree was not only immediately sent to the duke, but upon command of the parliament it was printed, together with the reasons on which it was founded, and ten thousand copies were circulated over the whole kingdom. The government could not overlook this insulting measure, and as they had gone so far they resolved to proceed a step further, and especially as the king was personally and grievously offended. On the 3rd of July, the day following that on which the decree of the parliament was issued, it was formally annulled by the cabinet, and the rights and privileges of the peerage, which had been abrogated by the parliament, were confirmed anew and secured to the duke. This decision of the cabinet (*arrêt du conseil*) was communicated to the parliament in an unusual and most offensive manner. The king and his ministers were not satisfied with this, but a short time afterwards the chancellor, in the presence of the king and before his eyes, was obliged to remove the record from the minutes of parliament which had caused the council to annul the proceedings.

At that time Choiseul was raised in public opinion from being a mere courtier and ambitious intriguer to a patriot, a defender of justice and the laws against the arbitrary dominion of the king, and to the character of a supporter of a true national policy against the cabals, by means of which Louis XV. and George III., from personal reasons, intrigued against Spain, with a view to avoid the war which king Charles III. and Grimaldi so earnestly desired. The parliament found friends on the very grounds which afterwards caused Choiseul's banishment to be regarded as a martyrdom, inflicted in consequence of his struggles against Aiguillon and Du Barry. The parliament, with all its intolerance, with its barbarous mode of action and its pedantic forms, appeared as the only bulwark of the people against the most cruel arbitrary dominion, and its boldest declarations against the royal council were received with rejoicing, because such decrees

\* “ Que le duc d'Aiguillon étoit gravement inculpé et *prévenu* de soupçons, même de faits, qui *entüchoient son honneur*, il suspendoit ce pair des fonctions de la pairie, jusqu'à ce que par un jugement rendu en la cour des pairs, dans les formes et avec les solennités prescrites par les loix et ordonnances du royaume, *que rien ne peut suppléer*, il se fut pleinement purgé,” &c.

alone and popular ballads opened up an outlet for the free voice of the people, whilst the press was under the strict censorship of the police. The complete suppression of popular opinion in those years, and the impossibility of finding a free vent for any national feelings, led to the formation of a party which opposed a rude audacity and shameless wit to the boldness of the courtiers and the court. The king and his immediate companions not only despised the low and contemptible satires, but they also wholly disregarded the opinions and judgements of the most honourable men and of the people at large, and did not attach the slightest importance to the prevailing opinion, or to the powerless resistance which was offered to their views: they stood, because they believed themselves above the reach of any power, and were secured and protected by bayonets and the police. The extent of their self-deception was first fully experienced by Louis XVI., at the moment when he had need of the support of that public opinion, which his grandfather, with impunity, had despised through his whole life.

On this occasion the parliament spoke with even greater freedom and boldness than was their wont, in all cases which concerned Du Barry and her creatures, because all the royal princes, with the exception of the count de la Marche, had declared themselves against that despotism which the chancellor Maupeou wished to exercise in the name of the king. The chancellor was a good practical lawyer, who was well acquainted with the crying abuses of parliamentary administration, and knew well that as soon as the first alarm respecting violent reforms was passed, the people would much rather bear with an absolute government, which treated all after the same manner, than with a legal aristocracy of pietistic nobles. The king was prepared for any step, however senseless or bold; for he thought himself so far exalted above the whole nation, that he might venture even in these unsettled times to raise the miserable profligate whom he protected and favoured, but who was condemned and disgraced by the parliament, to the dignity of first minister of the crown, which he really did, and banished Choiseul to his country estate. It was easy to induce such a king to dispense with the services of the chief guardians of existing rights: this was effected by an arbitrary and sudden exercise of power (*coup d'état*) by means of the high police.

The contest between the king and the parliament affected not



only the case of Aiguillon, but the main question was, whether in all future times in France the principles of the Turkish and Sclavonian governments, which the king publicly and solemnly announced as his own, were to be considered valid, or the rights and privileges of the ancient Franks of German race were to be still defended and maintained. The parliament adhered rigidly to Frankish rights, whilst the king, Aiguillon and Maupeou maintained the autocratic principle which is the law of Russia and Turkey. If therefore those principles were to be maintained, which his infallible king had declared in 1766 to be just, and moreover to be his will, Maupeou must necessarily get rid of the ancient parliaments of France. In 1766 the parliament of Paris declared that all the parliaments of the kingdom were *classes* or *branches* of a corporation, whose duty it was to defend the privileges and laws of the *kingdom*: to this declaration the king expressly opposed his own autocracy. He maintained that all his subjects, from the prince to the peasant, were bound to acknowledge his will as the only foundation of justice and law. He alleged that his power was immediately derived from God; which perhaps, under certain conditions, no one would have been disposed to controvert; but it was impossible to acquiesce in the declaration by which it was accompanied, *that he alone was the only source of law and justice, and that for that reason he could or would make no account of a unity of sovereign power in matters of law claimed by the parliament, or of the classes or branches of any such corporation.* It was quite impossible for the parliament to concede any such principle as this, and it paid no respect whatever to the claim; Maupeou therefore secretly prepared his measures.

When Maupeou conceived the plan of altering the whole previous system of administration of justice, he probably foresaw that the parliament would furnish him with an excuse for carrying out his purpose by refusing to hold its courts. This in fact took place, when Louis, in a solemn sitting (*lit de justice*), not only renewed the commands of 1766, with which the parliament was still dissatisfied, but further commanded the court, without observation or remark, to enter things upon its records which it knew to be false and offensive. It was wittily and satirically remarked of Louis XV., that the cushions, which had been too little used by his Merovingian predecessors, would be wholly worn-out by the frequent requisition in which they were put in

his reign. On the 7th of December 1770 the king appeared in parliament, and in contempt of the decree which it had passed, he first commanded the duc d'Aiguillon to take his seat among the peers of the realm, and then further commanded, that the royal commands which the parliament had previously refused to enter should be now written down and entered upon their records in his presence. By virtue of this royal dictum, the parliament, among many other things, was especially forbidden to form alliances or unions with other parliaments in any manner whatsoever, or to speak of the classes or single parliaments of France as belonging to and being associated with the parliament of Paris as their head and centre. As an introduction to the numerous commands and injunctions with respect to a corporation, which within its sphere regarded itself as completely sovereign as the king in his, the chancellor had collected into one mass all the severest accusations which he could bring forward against the parliaments, and couched them in a most despotic tone. The parliament could not allow this order to be entered on its records without acknowledging the justice of all that was said in the introduction to this sovereign dictum of the king. The royal act was therefore scarcely perfected, when it not only protested but also came to a resolution, to which it was scarcely justified in coming as a mere tribunal of justice; for it was not justified in refusing justice to the people in consequence of its disputes with the king. The parliament suddenly resolved that "*in its deep sorrow it must suspend its functions, because the minds and spirits of its members were too grievously oppressed to enable them to act as judges on questions affecting the property, lives and honour of their fellow-citizens.*" This resolution indeed compelled the parliament to enter upon a struggle which was neither creditable nor honourable to itself; because the court had here decided in its own cause, and the king, on the other hand, assumed the defence of the people in order to secure a court for the administration of justice. This struggle and cessation of duties on the part of the court continued for fourteen days, because neither the parliament nor the king would be the first to yield. The king would not lend an ear to the representations of parliament till the judicial sittings were again opened, and the parliament refused to hold any courts till the king listened to their representations. The king made four attempts to reduce the parliament to obedience, by commands delivered

by himself in person, by admonitory letters written with his own hand, and threatening royal rescripts (*lettres de jussion*) couched in the severest and most definite terms; all however in vain. These events occurred at the time in which Choiseul was banished to Chanteloup, and Aiguillon, by the instrumentality of Du Barry, was elevated to be prime minister of France. This led to such internal commotions, that public order could only be maintained by military power. Happily the people did not actively interfere; they only came of age and were ripe for action ten years afterwards; in the meantime they were quiet spectators of a contest carried on between their writers, princes and parliament on the one hand, and the court on the other, which did not in the least affect their general interests. The condition of public writers was the same as it is in all monarchical countries where the press is under the dominion of the police: the earnest and serious truth, as believed by honest and wise men, never appeared; the numerous newspapers and books belonging to the court and its ministers received no attention, even when they contained the truth; and the most audacious, impudent, and partly false stories concerning the court, found universal but secret circulation in prose and verse, so that the country knew nothing of the real state of affairs, but was overrun with lies and pasquinades. All the distinguished writers, or those who were called the classical writers of the eighteenth century, devoted some of their publications to irony or satire, and to a clear and characteristic delineation of the triumvirate by which France was governed. As to the princes of the blood, they engaged in the struggle merely because they would have wished to seize upon and exercise the power which Aiguillon possessed; and they were far from entertaining any idea of carrying on a longer struggle for justice and law than their own interests required; they gave proofs, however, that there were persons who could venture openly to resist the king and to answer him rudely, and thereby paved a way for bolder men, which seventeen years after some of them ventured to tread. The remarkable scene illustrative of this remark, and the personal and public dispute which took place between the king and the duke of Orleans and prince of Conti, stand alone in French history since the time of Louis XIV.\* This scene occurred on

\* The duke of Orleans said to the king, "Since we are not allowed to deliver our opinions without constraint, I cannot in my conscience approve of these

the 27th of June 1770, when the king summoned the parliament to Versailles to cause them to enter a justification of the duc d'Aiguillon on the records of their court. Finally, as to the parliaments, those which embraced the largest jurisdiction, whose members were the most numerous and distinguished, and which consequently had the greatest weight in the nation, were in a state of open rebellion against the royal power.

The parliaments of Bordeaux and Toulouse passed a judgement precisely of the same import with that of the parliament of Paris, against the inseparable companion and minister of the king, and the parliament of Rennes returned the king's letters patent unopened. As a punishment for this act of insubordination, the king caused two deputies from the court, who had been sent to him to Paris, to be thrown into prison. The parliament of Metz also by a sentence which it pronounced gave rise to a formal campaign on the part of the uniforms against the robes of justice. Marshal d'Armentières marched against the peaceful parliament with eight companies of grenadiers, tore out the sentence against which he had been sent, from their records before their eyes, released the advocates who had been arrested by command of the parliament, and in his turn carried off some of the councilors of parliament to places of banishment. The parliament of Rouen and the chief college of taxes (*la cour des aides*) did not suffer themselves to be terrified by these acts of violence from sending representations to the court, couched in language which would now be called jacobinical in all the states of Europe, and be punished as high treason or *lèse-majesté*. The parliament of Bordeaux was not deterred or turned aside from its course: it would not for a moment recognise the right, which the king's council assumed, of annulling a sentence which had been legally passed, and of laying down a principle, which some have ventured here and there, in even what are called the constitutional states of Germany, to allege and maintain,—viz. *that there is no*

cabinet orders, which are neither consistent with the law, the constitution, nor the honour of the peers." The king replied, "In case my parliament should summon the peers I forbid you to attend, and commission you to make my will known to the other princes of the blood." The duke answered, "Sire, the other princes of the blood are here; such a command will proceed more becomingly from your mouth than from mine." The king turned to the princes, and said, "You hear, *Messieurs*?" "Yes, sire, we hear something which is very repugnant to the rights of the peers, and not very advantageous to the duc d'Aiguillon."



*other justice or law in the land except the will of the sovereign, and that the courts and officers of justice are a species of royal servants.* The government of France proceeded upon this principle with the parliaments in January 1771, and with the parliament of Paris in particular. Everything was carried through by mere military power. The friends of darkness rejoiced; energetic measures alone, it was said, as it is now everywhere repeated, were the true means of reducing troublesome political agitators to silence; and there seems now to be as little suspicion as was entertained by Aiguillon himself, that such agitation is but the outward sign of a deep inward movement of the public will, growing and increasing with the progress of the age and the oppression exercised by sovereign powers, which will one day burst forth with overwhelming power as it did seventeen years after this time in France.

On the night of the 19th of January 1771, police officers suddenly presented themselves in the houses of a very considerable number of the councillors of parliament: each officer was accompanied by two grenadiers, and immediately presented an order under the royal seal commanding him to submit a paper to the respective councillors, to which they were to give a written answer, *yes* or *no*. The paper merely contained the simple question, *Whether they were willing again to perform the functions of their office?* The most of them wrote, *no*; many, it is true, in the first moment of terror wrote *yes*, but withdrew their assent on the following day, and resolved to adhere to the majority: forty councillors, whose houses were not visited by the police officers and grenadiers, did the same. Maupeou had reckoned on this resistance, and therefore the cabinet was engaged on the whole of the 20th in preparing *lettres de cachet*, so that the police and military might undertake a new expedition on the following night against the chief councillors of the parliament and first judges of the land. An officer of the court was first sent to the house of every councillor who had given a negative answer, to announce to him the royal determination that he should be deprived of his office, and that he was thereby deprived; he was immediately followed by a police officer accompanied by two grenadiers as before, with orders to convey him forthwith either to his estate in the country or to a fortress.

It might have been supposed that this course of action on the part of the government would have led to a commotion among

the 20,000 persons who stood more or less in connexion with the parliament of Paris; but such was not the case. It happened therefore to the friends of despotic power, as it did to Pharaoh of old, that their hearts were hardened, and the same fate awaited and befell them in 1789 which overtook the Egyptian king, who would not hearken to Moses' entreaty on behalf of his people, or listen to the cry for justice and protection. The times of the Fronde were no more, as was shown by the very slight sympathy which was manifested at the complete dissolution of the parliament. The chancellor therefore met with no obstruction to the quiet development and execution of his plans. Maupeou now projected a scheme of judicial administration, which corresponded to the age and its necessities, the demands of the citizens, and even the wishes of the philosophers, as it did to the views and necessities of the king, Du Barry and Du Terray. We may observe in passing, that the young man whose pen Maupeou employed on this occasion (Lebrun) afterwards played a very important character in the times of the revolution among the moderate republicans (the Girondists), became Buonaparte's colleague in the consulship, and was created a titular duke of the empire.

An interim tribunal for the administration of justice was appointed, consisting of cabinet councillors and persons who had been formerly officers of the parliament, which was to exercise its functions till the organization of the new supreme court was complete. This was rendered necessary by the failure of an attempt to employ the inferior courts as supreme tribunals for the time being; and the government was extremely anxious, by all the means in its power, to avoid a conflict with these courts. As the government did not wish to proceed too hastily, but progressively to re-organize the provincial parliaments, if their attempts with that of Paris were attended with success, it was proclaimed that the course pursued against the parliament of Paris resulted from its councillors having of their own accord and in a body laid down their office. The parliaments in the meantime were suffered to protest and remonstrate at their discretion, and to summon the peers to their sittings; but the government relied upon their having no bayonets at their command. Maupeou could not reckon upon the councillors of the chamber of accounts and of the court of exchequer as constituent members of the new supreme court, because one of the most

enlightened, honourable and liberal-minded jurists in the parliament, Lamoignon de Malesherbes, afterwards minister of justice, was president of the court of exchequer, and in the late dispute had drawn up some of the most impressive and ablest representations against the conduct of the court; he therefore endeavoured to carry out his plans without their aid. The project was to diminish greatly the extent of jurisdiction of the parliament of Paris, by erecting six local courts, in Blois, Arras, Châlons, Clermont, Lyons and Poitiers, all which had been previously within the circuit of the parliament of Paris, and at the same time to make justice much more accessible to the inhabitants of these respective districts. According to this plan, a much smaller number of councillors was needed for Paris than before. The new Paris tribunal was to be composed of seventy-five judges, to be selected partly from the old, faithful and obedient councillors of the great council (*grand conseil*), and to be completed by advocates from the bar of Paris.

According to the ordinances respecting the improvement of the courts, the deposit of certain sums in the royal treasury, or the purchase of places in the parliament, was to be wholly done away with, and a strict examination was prescribed, the tediousness of the proceedings in the court corrected, and what was called *soliciting*, and still more bribing the officers of the court, which was carried to an incredible extent under the old parliament, was forbidden under the threat of heavy penalties upon giver and receiver. All the forms which had hitherto been found so burthensome were shortened, and the hopes and expectations of the people, especially of the liberal writers and philosophers so-called, who were as hostile to the parliaments as to the jesuits, were so far either raised or satisfied in the months of February and March, that the government expected to open the new court in April.

The newly appointed councillors were summoned to a solemn sitting of the court on the 15th of April 1771, at which also the peers were invited to be present, in order to give the new parliament all the pomp and splendour of the old one. This sitting was also a *bed of justice*. This form was particularly chosen on this occasion in order to secure the attendance of the princes and peers who were unfavourable to the court, but who would be thus constrained by etiquette to attend. This however was not the case; the only persons among the princes of the blood

who appeared were the count de la Marche and the son of the prince de Conti; the other princes and peers not only absented themselves from the meeting, but afterwards protested in a body, and their protest was presented to the king. The king caused three edicts to be laid before the court, which, by his express command, were read and entered upon the records in his presence. By the first of these edicts the old parliament of Paris was now solemnly declared to be abolished; by the second, the several chambers, with the exception of that of accounts, whose councillors they were anxious to employ,—even the court of exchequer, with its honourable president Malesherbes,—were declared to be dissolved; and by the third, the functions of the former great council were transferred to the new parliament. In spite of the innumerable satirical songs which were at that time sung in all the wine-houses in France, in spite of the stream of libels, pasquinades, complaints and accusations which were poured out against the parliament-Maupeou and its daughter parliaments, Maupeou and Aiguillon gained a complete triumph. The people rejoiced in a more rapid and cheaper administration of justice, and councillors and advocates in abundance were soon found for the district courts which were to be erected after the model of the parliament of Paris. One after another of the banished councillors of the dissolved parliament now began to prefer humble petitions for the restoration of the money which they had paid for their places, or rather had deposited in the royal treasury, without requiring payment of interest. The princes were sent to their estates in consequence of their protest, where their zeal for honour and justice proved too weak for the tediousness of their banishment from the capital and the court. The duke of Bourbon and his son, the duke of Orleans and his son (the duke of Chartres, Philipp Egalité, who was then very young), recalled their protest in order to be again permitted to join the court; the prince of Conti alone remained true to his principles and the old parliament. Even the princes held out longer than the other parliaments; for their reconciliation with the court did not take place till December 1772, after the other parliaments had long given way to the court. In the commencement, the provincial parliaments issued the most furious decrees against the new court created by the chancellor, and abused it in every possible way; but before the end of the



year they themselves yielded quietly to all the alterations which were introduced into their own constitutions and forms\*.

From this moment all resistance against the government ceased, but it had also completely lost the confidence of the people; and even before the death of Louis XV., which took place, after a horrible illness, in May 1774, such a man as the abbé du Terray, who never knew what a feeling of conscience was, was no longer able to find means of working the machine of government. All resources were completely exhausted; the king himself had destroyed the credit of the state, and no one knew where to find money for immediate necessities. Under these circumstances, the government of France was undertaken by Louis XVI., the grandson of his predecessor, and now only twenty years of age. He was wholly unacquainted with business, for all the affairs of the state of late years had been exclusively managed by Du Barry and Aiguillon; and he was obliged to commence his reign by the dismissal of all those who had hitherto been at the head of affairs. The kingdom, and especially the finances, were in such a condition that it appeared impossible to carry on the government without making essential changes in many of its departments, or to meet the ordinary expenditure: this Du Terray himself was obliged to admit. The situation of the young king was not only painful, because he found neither money in the treasury, nor credit upon which he could raise a loan, but because the king, the court and the higher ranks had drawn upon themselves the contempt and hatred of the people of all classes, by the numerous arbitrary arrests and banishments which had taken place in the last years of the reign of Louis XV., by the honours which had been bestowed upon the worthless and profligate, by the extortions which had been practised, and the fashion which prevailed among persons in high life of boasting of their extravagance, wickedness and sins. The old and the new parliament, the administration of justice, and the religion of the state were equally ridiculed and despised, because they no longer corresponded to the claims and reasonable requirements of the people and the age.

With respect to public opinion, gloomy feelings of dissatis-

\* The parliament of Rouen was spared, because the government did not wish to excite the people of Normandy. Rennes, Toulouse, Bordeaux, Besançon and Aix were obliged to submit to the new reforms.

faction had prevailed since the time of the peace of Paris: these feelings of discomfort and discontent were not confined to the capital, but pervaded the whole kingdom, and were felt by all classes. The best writers of the age had given to these feelings body and form, by eliminating the causes of the discontent, and giving a clear idea of the untenableness of the feudal monarchy, aristocracy, the ancient hierarchy, and their necessary institutions. Every one was full of the notion, that the mode of administration and government hitherto practised, and the system of taxation of the reign of Louis XIV., were wholly inconsistent and irreconcilable with the age and its demands; unhappily however, Louis XVI. was neither strong enough to maintain the old system as long as it was capable of being maintained, nor free enough from the influence of that portion of his relations and attendants who were attached to the old system, to give himself completely up to the guidance of those who were desirous of introducing an entirely new one. The young king himself was, according to ordinary notions, respectable in his character; that is, he was free from gross faults in his private conduct, he had the best intentions, and promoted what was good wherever that could be done without any demand upon his energy or talents; he was therefore unconditionally in the power of all those who were able to gain a direct influence upon his mind, incapable of offering any determined resistance to the most perverse of his friends, and occasionally both obstinate and bigoted, as all weak men are. The brothers of the young king were worthy scions of their grandfather's house, among whose profligates they had grown up; and both of them, the count de Provence as well as the count d'Artois, possessed all that cold egotism and all the vices of the high nobility of England; they practised all that insolence of demeanour and manifested all that pride which is characteristic of the high aristocracy of England, without however possessing a shadow of those well-known and acknowledged great qualities which are often found united with their great imperfections and faults.

The king was a good husband, a good father, and an affectionate brother; he imposed therefore no restraints upon his younger brothers, who led a wild and licentious life, by which they were plunged into immense debts, which amounted to millions, and, as the red-book furnishes proof, were several times paid from the public treasury. The young queen was distinguished for her

frivolity and love of dress, with its ever-changing fashions and enormous expense; and by her lightness of manners she was more akin in habits and character to the gallant, showy and graceful count d'Artois, than to her own stout and ungainly husband: that also gave offence. However innocent the absurd, weak and superficial idolizing and conversations of the young court were, yet among malicious courtiers, who did not belong to the favoured set, the jests, amusements and knightly gallantry of a young prince of equivocal character towards the queen were easily interpreted to her disadvantage; it was even charged upon her as a crime, that she indulged in a freedom of intercourse within the palace which the king did not prevent, and which her mother habitually allowed herself in Vienna, where the intercourse in the palace was as becoming and moral as it was free from the shackles of stiff etiquette; strict etiquette was only observed on grand court-days. The case was very different in Versailles, where the palace was always full of titled courtesans, where a Pompadour and a Du Barry figured instead of a queen; there the minutest arrangements in the palace and every movement of life were regulated by the strictest forms. This etiquette allowed persons of a certain rank and certain families to be seen in certain chambers only for fixed periods; it was strictly arranged who was to be admitted or to be present with the queen at each period of the day, and how the queen as a state machine was to regulate and guide all her movements. The question in ancient France, whether a lady of such and such a line of ancestry should receive at court an arm-chair, a common chair, or tabouret, or whether she must stand, always excited a greater interest in the fashionable world than the most important state affairs; it was regarded as one of the decided signals of a revolution, when the queen at a later period almost exclusively favoured certain ladies, as the princess de Lamballe\*, or certain families, as the Polignacs. From the first she paid no attention to the laws of what was called the *ancient* court, but founded a *new* one, with entirely new customs and usages: this led to dreadful disputes between the nobles of the old and new courts, which were attended with very serious consequences.

The queen was treated with double hostility, because the

\* The princess de Lamballe was the widow of the prince Stanislaus de Bourbon-Penthièvre, by birth a princess of Savoy-Carignan, first lady to the queen.

union between France and Austria, founded by Choiseul, was as manifestly repugnant to the French nation, to public opinion, right or wrong, or to its prejudices, as Buonaparte's second marriage; and the one was the omen of as much mischief as the other. During the festivities consequent upon the king's marriage several hundred persons were either crushed to death or trodden underfoot, and the manner in which this unhappy accident was described was proof enough of the unfavourable nature of public opinion respecting the king's marriage with a princess who was undoubtedly beautiful, virtuous and well-educated. The writers of the day did not hesitate to draw evil forebodings for the consequences of the marriage, from the unhappy accident by which its celebration was accompanied. Even the king's love for his wife and the confidential family-life of the young pair was made a ground of reproach. The partisans of the old system of government blamed the queen for having induced her husband to throw himself completely into the arms of the new economists and philosophers, and she was afterwards blamed, and not without reason, by the friends of radical improvements, for preventing the king from yielding to the advice of ministers who possessed the confidence of the people. As to the queen's intermeddling in state affairs, she followed her natural disposition as a woman and acted accordingly; the blame of the injury which she did however affects only those persons who showed themselves to be still weaker than a young woman, by listening to her wishes or advice upon affairs of importance or respecting public officers. Like all other women, the queen had her likings and dislikings to this or that person, according as their external appearance or address was attractive or disagreeable to her womanly fancy, and declared herself as women are accustomed to do, with vehemence of feeling, sometimes *for* and sometimes *against* certain individuals. She did homage to the new ideas, when conversation, fashion, and the people who led the fashion with whom she was surrounded, favoured them, and she most obstinately protected every prejudice as soon as her habits or wishes seemed to be endangered and her friends threatened. The chief blame of all the despondency and vacillation was attributable to an old fop, who had been placed as a mentor by the side of the inexperienced king Louis XVI.

The mentor of the young king was the old count Maurepas, who occupied somewhat the same position in the cabinet which



has been assigned to the duke of Wellington in the Peel ministry of queen Victoria, that is, he had no department or business, but was consulted about everything. It was stated that he was recommended by the king's aunts, that Machault, who was a very able man of business, was the person really intended, and that the mere mistake or change in a name brought Maurepas into the cabinet, &c. &c. About all this we have no opinion; one thing however is beyond doubt, and on that we shall dwell for a moment: Maurepas was a courtier of the licentious times of Pompadour, and his re-appearance on the stage of public life was extremely unfortunate at a moment when the public affairs required the highest degree of earnestness and wisdom. The new directing minister was the ideal of a courtier of the old court, from which he had formerly been driven away on account of a jest upon Pompadour. When he was dismissed from the ministry he remained for some time upon his estate, whither he was banished, but soon after obtained permission again to take up his residence in Paris; when he again appeared in Versailles, twenty years afterwards, he still remained the same, and had become neither more serious nor wiser. He was a man who was inexhaustible in insignificant witticisms and jests, abounding in ready applications and equivocal jokes, uncommonly courtly in his manners, affable in his demeanour, and, notwithstanding his age, gallant; but on the other hand he was fickle and changeable, bent only on procuring present resources and not upon any radical cure; in short, he was as frivolous and light-minded as the queen and the younger brothers of the king. All serious views of life, of man and his destiny, were in his eyes trivial and ridiculous; his only thought was how to live and laugh, to surmount the difficulties of the moment, and to leave others to care for the future. He was as far from having any sympathies with the coal-heaver's dogmatism and superstition of his young king, as from the sentimentality or enthusiasm for the philosophic ideas of the age, to which those ministers did homage whom he recommended to please public opinion. He however immediately resolved on their dismissal as soon as he foresaw the inconveniences resulting from the resistance of the parliament, for the whole object of his life was social enjoyment; therefore witticisms, puns and *équivoques* were regarded as far more important than business or principle. He was as totally destitute of firmness as dignity, and was only induced by the public

dislike to the late government and the prevailing opinion to recommend Turgot to the king as his minister, a man who was then a provincial intendant, but universally praised by all the opponents of the existing system of administration and government.

Turgot was at first appointed minister of marine, but as early as August 1774, the department of finance, which was in reality his proper department, was committed to him. In early life he had been destined for the church, studied scholastic theology with great assiduity and success, and, as a man of good family and connexions, would have been sure of a bishopric. At a later period, however, he had made political science and economy his peculiar study, and was favourable to the new ideas on these sciences, in so far as they were not directed against the serious principles of life; he became therefore the head of a new sect of political economists. Like some of the princes of his age, he encouraged and protected a liberal science of administration and finance which was calculated to promote the well-being of the people, and not merely for raising money or advancing the private interests of the rulers. He was praised by all, but especially by the classical writers of his age. Not only Voltaire, and the academies which were hostile to the government of Louis XV., praised him and recommended him to their public, but the abbé du Terray, who was the very antipodes of philosophy, found him to be an able and useful man of business. He was for fifteen years civil governor of Limoges, and would have obtained much more splendid situations had he not rejected their offer, in order fully to try the effects of his system of philanthropic administration upon social life, and especially upon the life of the country people in Limousin. He had given such repeated proofs in his writings and by his administration in Limoges of the soundness of his views, and of the necessity of a total reform in the whole administration and government, that his nomination alone was regarded as a public declaration that important reforms would be undertaken under the new reign, and that a new order of things would be introduced into the kingdom, suitable to the demands and necessities of the age. It was an evil foreboding for the reforms expected from Turgot, which were directly opposed to the feudal, intolerant and hierarchical principles of the old parliaments, that even before he was associated with Malesherbes and St. Germain, he restored the old parliaments, which

the people had now forgotten. Maupeou's new courts had already taken root; the cry began to die away, and, without the influence or desire of Maurepas, Turgot would scarcely at that moment have restored the old parliaments. As he was desirous of introducing something new, something suited to the advanced knowledge and demands of the age, it could scarcely have escaped his attention, that the old parliaments were always the obstinate defenders of all traditionary customs; or, in other words, that they defended historical rights, as they are called among us, with much more zeal than those that are divine. Turgot would therefore scarcely have restored the institutions and law courts of the middle ages, had not Maurepas represented to the young king that it was only possible for him to gain the favour of the Parisians, who entertained a deadly hatred towards his grandfather, by restoring them their parliament. The government therefore commenced with a preposterous measure, which showed that the king and his ministers were both vacillating and uncertain, as Louis, to his own destruction, afterwards proved himself to be during the whole period of his reign. Turgot's appointment was at first regarded as the announcement of a new era, and yet in the very same year all the old abuses were renewed, the court of parliament solemnly restored, which had shown itself to be the enemy of all toleration and enlightenment, the protector of the torture, caused books to be burned by the hangman, the protestants to be persecuted, and obstructed improvement of every description. By the restoration of an antagonist corporation, the French government thought to guard against the consequences of its abolition, just as the English government hoped to escape from the war with the Americans by the repeal of the obnoxious taxes; but it soon appeared in England as well as in America, that the threats of a government which it has no power to enforce only tend to make the government itself ridiculous and contemptible.

The king recalled the *lettres de cachet*, which had been issued by his grandfather, on the 12th of November 1774, he again restored the old parliaments in their ancient form, and in the very moment of their restoration furnished them with an occasion of again renewing all their former subjects of dispute with the government. The ministry attached conditions to the restoration of the parliaments which were obnoxious to their members and repugnant to their former constitutions. As the court was

obliged to give way, we shall quote two of the six conditions which were imposed. One was, that the parliament was not to be allowed to make any representations in opposition to the decrees of the government communicated to them, and that the immediate execution of the royal edicts was not to be delayed by any remonstrances on the part of the parliament. The second point referred to the discontinuance of its sittings, to which parliament had previously resorted, and therefore it was made an express condition, that, as soon as the parliament shall refuse to continue its sittings, the great council, without any further notice, shall become a parliament again. As early as the month of December disputes\* arose between the government and the court upon several points, and parliament declared, that it would not submit to the conditions on which its restoration was founded. The disputes on this point soon became vehement and bitter; parliament summoned the peers to their sittings, and the court yielded in 1775. Thus the reign of Louis XVI. opened with a defeat of the ministry and of the king himself, who was obliged personally to take a share in all these matters and negotiations. This was the more disgraceful, as it furnished a proof that neither Louis nor his mentor were at first in a condition to secure the only advantage which the kingdom might have derived from the tyranny of Aiguillon and Maupeou, and still less did they possess the necessary energy to maintain and freely to exercise their own functions. In the course of the year 1775 Lamoignon de Malesherbes entered the ministry, a man who seemed admirably calculated to bring about an understanding between the rigid conservative councillors of parliament and those who were called

\* Turgot is blamed with having been very short-sighted in this affair, and for having supposed that the parliament would acquiesce in conditions which were opposed to its own private advantage, and would not remonstrate against the six articles, which he caused to be registered at a bed of justice on the 12th of November. The parliaments were forbidden to regard themselves as a whole, or to speak of classes, unity, inalienability of rights, &c. &c. They were forbidden to make any communications in writing, by resolutions, or representations to other parliaments upon any affairs or transactions except those before them in their judicial capacity: all agreements to send in their resignation, taken by members in common, were to be regarded as high treason, and treated as such, and those who were guilty of this form of treason were to be judged by the peers, the king and his cabinet. The parliament was indeed allowed to make representations on behalf of the people, but only in modest and becoming terms, and only on condition that the edict to which the representations referred should in all cases be registered within four weeks. Repeated representations were only allowed to be made with the king's consent, &c. &c.



philosophers, and were urgent for a thorough system of reform. As supervisor of the book-trade and of printing, he had done all that was possibly in his power to give scope to the free expression of opinion by means of the press, he was regarded as their protector by the undertakers of the celebrated Encyclopædia, and eulogized by the philosophers, and as president of the court of exchequer, he was at a later period a zealous champion for the cause of the parliament against the government. When he was admitted into the ministry as the colleague of Turgot, he remained true to his principles, which is very seldom the case, endeavoured to carry out his views with regard to the press by relieving it from those restrictions by which its freedom was destroyed, and with which no man was better acquainted than himself, and to have *lettres de cachet* wholly abolished. In short, he fully agreed with Turgot, that either the whole machine of the state must be stopped for want of pecuniary supplies, or that a violent reform by means of civil commotions was to be prevented by the introduction of essential improvements, and the abolition of old and crying abuses. We shall therefore refer to some of those improvements which these two able men wished to introduce, and which Turgot had publicly declared and shown to be unavoidably necessary to meet the reasonable demands of the age.

He had declared that all compulsory services should be abolished throughout the whole kingdom; that the crying abuses of the feudal system, which were necessary in the times when feudal lords were available for the defence of the kingdom, but were now injurious, should be wholly suppressed; that a new land-tax should be imposed, affecting the whole kingdom, and founded upon a new survey, instead of the then existing tax of the double twentieth (*vingtième*), which was in the highest degree unequal, and that in this way the whole of the nobility should be forced to contribute to the necessities of the state; that, as a preliminary measure, a new survey should be made of the whole kingdom. He was also anxious that all feudal rents should be sold, freedom of conscience announced, and the natives of France, who had been driven from their homes by the repeal of the edict of Nantes, invited to return to their country. A general code of laws for the abolition of several convents, the introduction of a uniformity of weights and measures, the abolition of guilds and corporations, the appointment of district and local courts, an

increase to the salaries of the clergy, freedom of the press, the progress of mental development, or what was called philosophy, were all measures in his contemplation to be made available for the general administration of the government; and the whole judicial system, as well as the means of education, were to be improved. Such were the radical improvements which the first ministry of Louis XVI. promised as the fruits of a peaceful revolution, in order to prevent a mad and bloody civil war.

The points above enumerated contain in fact all the advantages which France afterwards gained by the revolution, and which she could only gain by such means, because Turgot's ministry was by far too sanguine in its expectations and respecting the power of its philosophy, when, contrary to all history and experience, it hoped to be able all at once to alter a social condition which had grown up in the course of time, become firmly knitted in all its parts, and thoroughly pervaded the whole body of the nation. Complete changes in the physical world, as well as in human society, only become possible by the previous annihilation and ruin of the existing order of things. This would soon have become a matter of experience to the ministers who were zealous for improvement, had not the restored parliament been roused to activity, and the clergy given proofs that they were far more deeply concerned for the ceremonies of worship, superstition and the hierarchy, than for the true interests of religion and piety. All the plans of these two noble-minded men were frustrated on the very first attempt, because both corporations, the parliament and the clergy, immediately rose up in defence of the spirit of the middle ages, by which both were animated, as soon as they perceived that the government regarded it as a thing possible to alter those institutions which must have appeared to them incapable of improvement, because they were advantageous to their families and persons of their class, and were at the same time venerable from their antiquity. The parliaments were restored in 1774, and succeeded in compelling the ministry to make concessions in 1775, and in this new contest with the government they were followed by the clergy, who were called upon to make a contribution to the necessities of the public treasury, and to consent to a toleration of differences in religious opinion, from which no danger could have resulted; with respect to the latter point, the clergy furnished the first example of resistance. The clergy was assembled in the year 1775, at the very time when

the parliament first recovered all its usurped rights from the weak government, and the body of the clergy consented to pay twenty millions to the treasury under the name of a benevolence; but they would hear nothing of an edict in favour of toleration, which the well-disposed king himself, as well as his ministers, wished to promote. This assembly of the clergy was especially sought, in order if possible to procure the recall of those disgraceful and barbarous decrees which had been passed against the protestant clergy and services, and the celebration of marriage among persons of their communion; but not a single concession could be obtained, not even of the absurd and unreasonable instructions and forms which related to the marriage of protestants with one another. The two ministers, however, did not suffer themselves to be deterred by this unfavourable commencement of their reforms, but in October 1775 entrusted the war department to a minister who was thoroughly to reform the whole military system of the nation, in the same manner as they were determined to alter the whole civil condition of the state. The selection however of the minister of war was unsuitable and unfortunate for the accomplishment of their views, and he was obliged at a later period to retire from his office in disgrace, whilst both his colleagues resigned their situations with the greatest honour, and to the regret of the whole nation.

The new minister of war was the same count St. Germain, who, at the close of the seven years' war, had proved unfortunate in his attempts to introduce the Prussian system among his countrymen, and was then employed in organizing after the Prussian manner the Danish army, which was destined to serve against Peter III., but was really employed in extorting money from Hamburg and Mecklenburg. His despotic manners, his cane and scabbard system, created dissatisfaction in Denmark, and how was it possible to imagine that the French would suffer themselves to be drilled in such a Prussian or Austrian style? Moreover, he had been dismissed from his service in Denmark in consequence of his manner of administering the duties of his office and of his character, with a considerable pension, it is true, but Struensee, who afterwards recalled him to Denmark, did not find it advisable again to employ him: how was it to be supposed that he could have established a system of Prussian discipline in France? St. Germain pushed his reforms to some extent, because from their very nature soldiers are accustomed

to obedience, but he soon raised a greater degree of dissatisfaction throughout the whole army and among the public, than he had previously caused in Denmark. His successor, the indolent prince de Montbarrey, soon replaced everything upon its former footing. In the same way both Turgot and Malesherbes failed in their very first attempts at improvement: they found no support from the weak king against the parliaments, and were both sacrificed by him, although he esteemed them as men, and all their plans had his thorough approbation.

Turgot commenced with the attempt at a very insignificant reform. As a preparation for further and more important measures, he brought seven edicts before parliament for the abolition of seven old abuses, which were not very considerable, and required his edicts to be registered. By virtue of the first, the tolls of the Paris cattle-market at Sceaux and Poissy were to be done away with, and the tax upon cattle was to be reduced to one-third of its present amount. The second extended the rights of a free trade in corn to the city of Paris, which had been previously granted to the rest of the kingdom. The third contained some new regulations, which related to the officers become superfluous in consequence of the two preceding edicts. The fourth abolished the existing restrictions upon the trade in tallow. The fifth abolished all guilds and exclusive companies (*jurandes et maîtrises*). The sixth fixed compensation in money for feudal services, and the seventh removed various restrictions on the trade in wine, which had been previously greatly obstructed by the rights and privileges of certain provinces and towns.

The parliament had been long at war with the minister of finance when he came forward with these new edicts, and he therefore met with a general resistance even on the part of the princes and of the queen and her frivolous associates. Turgot spoke of savings, whilst the princes at that very time commenced their career of English extravagance; Anglomania was then the general fashion. Horses were bought at the most extravagant prices, races set on foot, and immense sums risked and squandered in betting. All this appeared at that time innocent, as it is now regarded as belonging to the most distinguished fashion, and it delighted the queen and her circle. The king was beset by women and courtiers, and entreated to give no heed to the plans of his serious ministers, who had not the



slightest idea of the high importance of royal and princely extravagance and splendour. Even the parliament of Besançon treated his measures with insolence and contempt: it would by no means consent to the renunciation of those unreasonable privileges and exemptions which its members enjoyed, and Turgot was finally obliged to give way (Feb. 1776). The declaimers in the parliament of Paris now assailed him with incredible violence: these men, who were inaccessible to all ideas of improvement, were filled with indignation because the minister was desirous of setting some limits to the usurpations which had for centuries been regarded as sacred, and were founded upon feudal rights and privileges. They deemed it unbecoming that he should attempt to relieve the burthens of the citizens and peasants, who were much more heavily taxed in comparison than persons of higher rank, and put an end to the insolence of the privileged classes. The attorney-general Seguier, in his speech in parliament, declared it to be quite intolerable that parchments and seals should yield to common sense; councillor Pomerany in his address compared the economists, at whose head stood Turgot, with the jesuits, which was the most deadly object of hatred a jansenist could suggest. It was therefore no wonder that parliament opposed the registration of these seven edicts, although Turgot at first completely kept the seventh out of view, which was the one that appeared to be most obnoxious, as interfering most directly with the interests of the members of the parliament.

Of all the edicts which Turgot laid before the parliament for registration, it accepted only that by which the tolls at Poissy were abolished, together with another concerning the trade in tallow, and a third on rabbit preserves, as if it designed to show its contempt for the minister; and if therefore the liberal government wished to carry these measures, they must necessarily have recourse to the unconstitutional means employed in the times of Louis XV. The parliament was accordingly summoned to Versailles, a *bed of justice* was held, and the parliament was compelled to register the five remaining edicts on the express command of the king. The parliament however had scarcely returned to Paris when the war was commenced in the usual form, and this war ended as it must have been expected to end under a young and weak-minded king, who was only aided and advised by an old and frivolous witling. The king, surrounded by

flatterers, and entreated by his wife, his brothers and the whole court, who knew nothing it is true of business, but were apprehensive of moral reformers in the persons of the ministers, against his judgement and most unwillingly sacrificed both his ministers, of whose integrity and knowledge of business he was fully convinced, and whose desires to alleviate the burthens of his people he shared. In the beginning of May Turgot and Malesherbes left the ministry; St. Germain remained eighteen months longer, till October 1777.

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## § IV.

## NORTH AMERICAN WAR TILL 1781.

After St. Germain's removal, the war department was undertaken by prince de Montbarrey, one of the high nobility, who had previously shared the office of minister with St. Germain. He lost no time in reducing everything to the old footing. The department of foreign affairs was committed to count de Vergennes, who conducted the business of the state with great skill, but there was great difficulty in finding a suitable person to undertake the financial affairs of the kingdom. Vergennes, who was an experienced statesman, found himself however in no small difficulty, because he had resolved to avail himself of the disputes between England and her colonies to blot out the disgrace entailed by the peace of Paris, and again by a naval war to revive the honour of the nation, which had been tarnished in the seven years' war by its campaigns on land. This could not be accomplished in a country like France, where the whole system of finance was in confusion and the credit of the country completely destroyed, unless the whole system of taxation was entirely altered as Turgot had proposed, or at least the credit of the country so far restored as to render it possible to raise a loan. The former had been attempted by Turgot; the realization of the latter was entrusted to Necker, a banker in Paris, who was willing to make the attempt. Necker was a partner in a large banking-house in Paris, and had speculated for himself with great success; he now therefore offered to undertake the management of the finances of the nation without either salary or title. He thought with reason, that if he succeeded in the

management of the public treasury, the reputation of his integrity, financial knowledge and ability (even in the theoretical part of the science) would secure him universal confidence. After Turgot's removal, Clugny de Nuis was placed at the head of the department of finance, but he soon had recourse to timid and insignificant means of supply, such as his discount-office and lotteries, and only held the office six months, when he was removed by death. On his death Taboureaux received the title of comptroller-general of finance, because Necker, as a protestant, could not be appointed to this office; but the latter in reality managed all the business of the department under the modest title of a director of finance.

With his numerous merits, extensive knowledge and admirable qualities, Necker combined that unlimited vanity, pretension and self-complacency, which is usually regarded as the reproach of a Genevese education, or rather of the education and training of all those who merely seek and love virtue as a means of worldly reputation and success. Self-complacency and vanity were hereditary in the Necker family, and Madame de Staël has idolized her father in her writings as much as he was grossly abused and calumniated by the emigrants, and by all those who viewed affairs from the same standing-point as they did; both were wrong. It is however very difficult to reconcile the very different opinions entertained respecting his merits as a statesman. He has given a full account of his financial principles, for he has written two books upon the subject, which it is easy to compare. His father was a celebrated professor of law in Geneva, who, among others, gave instructions in German law to the landgrave of Hesse Cassel, because even now all persons of distinction and fashion would much rather speak fashionable French than vulgar German. He became first a clerk, then a partner, in the great banking-house of Thélusson and Co. in Paris; whilst there he realized millions by his own skill, and gained great reputation and credit; and after his retirement from business he entered the field as a writer on questions of political economy and finance. The persons who talked upon these subjects at court with the queen and the ladies and gentlemen of her suite were in reality wholly ignorant of the subject, but they professed to be extremely angry with Turgot because he insisted on a free trade in corn: it was quite enough to determine their opposition to the measure that the word *free* was introduced,

and nothing could have been more agreeable to their wishes than that a liberal writer like Necker should have come forward as an opponent to Turgot. Necker took up the gauntlet on this question, and wrote against Turgot's principles of a free trade in corn in an essay '*Sur la Législation et le Commerce des Grains*,' which was highly praised by the opponents of Turgot, who was at that time minister of finance, although the author either completely misunderstood or misrepresented him in one of the leading points of the question. Necker's whole reasoning proceeds upon the principle that Turgot had sanctioned the principle of a free trade in corn with other nations, whilst in reality he only maintained the propriety of a free *internal trade*. The authors of the innumerable French Mémoires have taken a world of pains to determine who the person was who first brought this citizen banker to the notice of the court, and those historians who delight to entertain their readers with anecdotes and wit have collected a great variety of stories on the point: most of them say that he was recommended to the queen as a man who knew how to raise money by the abbé Vermont, on the authority of the son of a great iron-merchant in Versailles, who was afterwards created a marquis. We do not pretend to give any opinion as to who recommended him to the queen, nor why she interfered in the affair; certain it is that Necker's moral, pedantic and systematic manners, which were of the Genevese stamp, were as disagreeable to her as to her husband, because she contrasted them with the courtly manners of Turgot, which were smooth and gentle, and such as were acquired by a familiarity with the court from his youth. Necker moreover did everything which could be expected in the then existing circumstances; he raised the necessary means for a war which Vergennes desired for political reasons, and for which the whole French youth of the higher circles earnestly longed, from an inspiration for glory and for a constitution such as that which Montesquieu described, or for a species of public and domestic life such as Rousseau and all the fashionable sentimental writers delineated.

In the Parisian saloons of that period there reigned a general inspiration for the progress of humanity, for the *beau idéal* of social life, as there now prevails in the same place the spirit of speculation and politics of a degrading description, a love of distinction and boasting of wealth and rank. The young men



belonging to the families of the high French nobility shared in this enthusiasm, which was worthy to be ranked with the knightly spirit of the best times of the middle ages. The ladies also bestowed the rewards of praise and love upon those alone who exhibited the highest enthusiasm for the rights of the people and human freedom, as the ladies of the south of France formerly distributed the rewards of knightly valour at tilts and tournaments. The most of those knights who were the inspired advocates and champions of freedom, in the decennium immediately preceding that in which the revolution took place, afterwards became fanatical opponents of the same ideas which they had lauded and disseminated in their youth, because the reality did not correspond with their ideal, which, if they had had any particle of common sense, they ought to have foreseen. Only one among them continued to dream the American dream of his youth to a very advanced age and carried it with him to the grave. This noble enthusiast was the son of the marquis de La Fayette, who fell in the battle of Minden: he was a man who could never be brought to that point at which egotists speedily arrive, who regard human nature as evil because men are corrupt, and freedom a dream because millions are incapable and unworthy of its enjoyment. He himself gives us a very striking trait of his inborn admiration of the love of independence and resistance to oppression, in an anecdote of his boyhood; he tells us that when his master required him, as an exercise in composition, to give some account of the horse, he never forgot to mention the fact, that it was characteristic of the animal to rear on being touched with the whip of the rider.

La Fayette, when sixteen years old, was married on the 11th of April 1774, to the second daughter of the count d'Ayen, who died in 1824 as duke de Noailles. This occurred at the very moment when the royal assent to the Boston Port Bill had made a war between England and North America unavoidable. His own patrimony and the dowry which he received with his wife made him one of the richest of the French nobility, and his birth entitled him to one of the first places at court, where he appeared as a captain of cavalry. The Americans had no sooner formed the design of declaring themselves independent of the mother-country, which they carried into effect in the following year, than he expressed his opinions so openly and strongly in their favour in the circle of the princes and the queen, that

his youthful boldness made no very favourable impression at court, at a time when a war was not to be thought of. At a time therefore when there was no appearance of any alliance between France and the Americans, and whilst his whole family was anxiously watching the movements of this young man of eighteen years of age, La Fayette declared openly, *that he at least would unite his standard with that of America*, and the whole military youth of France shared his enthusiasm. The declaration of independence in America was calculated to work upon public opinion in France; otherwise, the prudent and cautious Franklin, now sixty-nine years of age, would certainly not have earnestly urged his countrymen to take this bold step.

As early as May 1775 the draft of a declaration of independence was laid before the American congress, and in February 1776 this declaration was printed in all the English newspapers. This point has been often overlooked, as well as the fact that all the provincial assemblies at that time had been invited to give their deputies to the congress full powers to agree to the declaration of independence. When Franklin arrived in America in May, and brought with him the news of the violent feelings which prevailed in the parliament and among the imperious English, and became a member of the general congress, he easily succeeded in inducing them to commence their deliberations upon the nature and constitution of the new republic. Two states alone, Maryland and Pennsylvania, made a long and vigorous resistance to the determination of a complete separation from England and the erection of an entirely democratic republic such as was seriously discussed in congress when Howe evacuated Boston on the 17th of March 1776. On the 15th of May 1776 the congress called upon the different assemblies and conventions of the united states, if they had not yet so done, immediately *to erect and establish such a form of government in their respective states as the present situation of things required, and to adopt such a constitution as might contribute to the well-being and security of the state*. The effect of Franklin's return from London is perceptible in this resolution, but still more in the introduction, which was prefixed to the resolution in the Pennsylvanian newspapers. It is there stated, that since his Britannic majesty, with the consent of parliament, has excluded the inhabitants of the colonies from the benefit of their protection, it is now regarded as both necessary and useful *to abo-*

lish the government and constitution which has been derived from that source. The deputies from Maryland and Pennsylvania were strenuously opposed to this mode of action, but the congress was not to be restrained from following the general opinion, which soon overbore and carried with it those provinces which were at first disposed to resistance. When the declaration of independence was afterwards published, the representatives of Maryland withdrew from the meeting, and the assembly of this province refused its concurrence; but the people compelled their representatives to pursue another course, and the assembly of Maryland, as well as that of Pennsylvania, was obliged to give way to the public will. The declaration of independence was to contain a summary of the reasons upon which the revolt of the colonies was founded, and to serve as the manifesto of the new democratic state, whose citizens consisted of prosaic and practical farmers, trades-people and jurists. The composition of this important document was entrusted to five persons,—Jefferson, John Adams, Franklin, Sherman and Livingston,—who were also to digest, draw up and submit to the general body a plan for the establishment of other institutions necessary for the government and administration of the new republic. If we admit the premises assumed by the authors of this paper, it is drawn up with masterly ability, and is especially remarkable on account of its introduction and the declaration which it contains of the inalienable rights of the citizens in every description of state. The declaration was received with unconditional applause throughout the whole of Europe by all those who were weary of the military governments of the continent, or who were prepared by Montesquieu for Rousseau, and were affected by his visionary views and those of his partisans. We now know that this admirable paper was drawn up wholly by Jefferson, and that it only received a very few verbal amendments, suggested by Franklin and Adams. It was adopted by the congress on the 4th of July, and signed by Hancock as the president of the meeting.

In reference to the other papers drawn up by this commission of five, laid by them before congress and published by the latter, as well as to the first constitution of the new state and those of its single provinces, we refer our readers to the well-known writings of Ramsay, where all these documents will be found printed at full length. The essential points are contained

in the first part of Ramsay's 'History of the American Revolution,' supported by extracts from the minutes and records of congress, and the documents in their complete form are contained in the same author's 'History of North America,' especially in reference to South Carolina. The declaration respecting the original rights of man, freedom and equality, and the complete justification of a people in resisting its government,—nay, in some cases regarding resistance as a duty, which preceded the vehement and bitter complaints against the English king and government, was calculated for the people. It was therefore brief, solid, temperate, easy of comprehension, and decisive in expression, as such addresses to the people must and ought to be: its form gave it an incredible effect in Europe, where all was in a state of fermentation, and unhappily, very much lightened the business of the sophists of our century, for which they are paid by money and decorations, who have deduced all the evils of the French revolution from this declaration. The noblest and truly inspired minds seized with avidity upon the principles which were so clearly and conclusively established in this paper, which, however true they might be in themselves, were and are totally inapplicable among a degenerate race, in the present state of civilization on the continent of Europe. Such men attempted to introduce among us a Utopian democratic republic, but as soon as they saw that knaves and profligates wished to take advantage of their enthusiasm and abused their principles, they changed their opinions and became enemies of every free thought, in the same manner as Plato in his 'Republic' represents noble minds as becoming a prey to and recommending misanthropy and misology. By this means the egotists of all countries make sure of success, because, according to their nature, they co-operate and affiliate with one another by an evil instinct, whilst the friends of freedom of thought and mental independence and integrity always necessarily fall into parties. They showed that these visionaries pursued a course of folly, afterwards repented that they had mistaken these follies and crimes for freedom, and acknowledged that they had so done; they therefore scoffed at all social freedom and its defenders, discovered and maintained that right and truth are only to be found in servility, in a firm adherence to the old ways; and thus, by their disgraceful sophisms, they robbed the people of the continent of the only advantages which they



should and might have obtained from the murders, cruelties and sufferings which the French revolution necessarily entailed.

The first American constitution, which was afterwards considerably altered in its main features, had been already drawn up with Franklin's assistance, but it was afterwards discussed in a convention for several months, and first adopted by congress in April 1777. It was soon discovered that it was too democratic; but we must not enter into a detailed account of the pains which were bestowed to remove and correct the democratic confusion and irregularity which were the result of this first constitution, because this would lead us too far from the affairs of Europe, which we must always keep in view. We refer those who wish to examine these matters more in detail to the works of Widenmann and Tocqueville. We shall merely observe, that Franklin took a great share in the first debates respecting the constitution, and that he and Hancock were the persons who especially defended the democratic element. His biographer clearly proves that Franklin strongly insisted upon the appointment of only a single legislative assembly. Besides general democratic reasons, he is said to have had special grounds for advocating this limitation, which were the results of his experience as a member of the old assembly of Pennsylvania. In this province the descendants of those families to whom the country had been originally presented had still maintained a preponderating influence in the council, which often gave quite a different tendency to the acts of both chambers\*.

It was unquestionably a bold and precipitate step, for the thirteen provinces (Georgia had joined the union in July 1775) so suddenly to declare their independence of England; but they were no doubt at that time officially assured of the secret support of France. The leaders of the Americans besides cal-

\* 'Life of Franklin,' by Sparks, vol. i. p. 409. "He (Franklin) is reported to have been the author of the most remarkable feature of the constitution, that is, a single legislative assembly instead of two branches, which other statesmen have considered preferable, and *which have been since adopted in all the states of the Union*, as well as in other countries where the experiment of popular forms has been tried. There is no doubt that this was a favourite theory with him, because he explained and gave his reasons for it on another occasion. The perpetual conflict between the two branches under the proprietary government of Pennsylvania, in which the best laws, after having been passed by the representatives of the people, were constantly defeated by the veto of the governor and council, seems to have produced a strong impression on his mind."

culated upon the good wishes of a great portion of the English people, and upon the difficulty of carrying on military operations in the interior of the provinces. This step was the bolder, as the inhabitants of the new republic were in no respect knightly or enthusiastic in their characters, and neither disposed nor fitted to perform regular military service. They were besides greatly deficient in money for such an enterprise as that which they undertook, and the paper currency, which was introduced as a substitute, only served to show the whole world the nature of North American patriotism. The most fiery patriots would not take this money themselves, and it sunk lower and lower in value every month and every year, like the *assignats* of the French republic, till no one would take it at any price\*. They were further ill-provided with arms, ammunition and troops; but the best ally of the Americans was the vain and philosophical enthusiasm of the Parisians for what the young nobility and persons of distinction in France called freedom. In order to form a clear idea of the extent of this giddy enthusiasm among persons of distinction in France, we refer our readers to the beginning of Ségur's 'Memoirs,' from which it will be seen that the frivolity of the new court was almost as repugnant and revolting to common sense as the licentiousness of the old one, and that all this enthusiasm for freedom, America and Franklin was mere fashion, swaggering and military bravado, as trivial as the whole of that court life which the old fop describes in his 'Memoirs' as so charming. We bring this point conspicuously forward, because it is a proof that these vain and distinguished favourers of the American cause must afterwards necessarily fail, when they came to make the attempt at establishing a constitutional monarchy, inasmuch as they wished to present what was old in a new form better suited to their vanity; their constitution therefore was still-born. Lafayette made the only exception, and he was almost more important for the cause of the American revolution than he afterwards became for that of France.

Long before their declaration of independence, the Americans were carrying on secret negotiations with the French government; they purchased arms and munitions of war, or rather they received them under the pretence of purchase; they tried to

\* In 1777 the silver dollar was to the paper dollar as 113 : 1, and in 1780 as 11,000 : 1.

raise a loan, and took volunteers, especially officers, into their service. These affairs were chiefly managed and with peculiar ability by Silas Deane, whose dishonesty in his pecuniary transactions was afterwards exposed by the celebrated Thomas Payne. Deane was a member of the congress, and had been sent to Paris by the committee of that body which was appointed for secret correspondence. This mission took place in March 1770, therefore before America had ceased to be a portion of the English dominions. Deane, in the character of a political agent and consul, negotiated sometimes with the government and sometimes with private individuals, and soon gathered around him a circle of enthusiasts. The baron de Kalb, who was afterwards killed in Carolina fighting for the cause of American democracy, was amongst the conspicuous members of the circle which collected around Deane, partly from enthusiasm for the cause of the Americans, partly from hatred and hostility to England, and partly from the mere love of military adventure and renown. Lafayette was introduced into this circle by the baron, and attempted, but in vain, to induce the court vigorously to take up the cause of the Americans and make a public declaration in their favour. This would have been extremely important to the republicans, whose affairs were in a very unfavourable condition in the latter half of the year 1776. As however he could not succeed in these attempts, he resolved, as far as in his power, to do what the state would not do, that is, to devote himself to their cause, and to assist them with his property, person and friends.

In the course of the year 1776, Silas Deane had been so successful in his negotiations and in creating an interest in favour of his fellow-countrymen, that in September 1776 he was able to despatch to America three ships laden with materials of war, which the French government had put at his disposal. It was indeed said, that those articles were to be paid for, but a clause was inserted in the agreement, that in certain circumstances payment would not be required by France. Lafayette still entertained some hopes at that time that his government would make a declaration in favour of the Americans, and in the meantime he took a journey to England in the spring of 1777. On his return the French government availed itself of his instrumentality, in order to withdraw their negotiations with Silas Deane from public observation. The new state of the thirteen united provinces, immediately after its erection on the 26th of

September 1776, sent plenipotentiaries to Paris, who were to open public and official negotiations with the government of France. The persons appointed on this important mission were Silas Deane, who was already in France, Franklin and Jefferson, the latter of whom, however, declined the mission; Lee, who was at that time in London, was named in his stead. Franklin arrived in the beginning of December, and it appears from the very first letters which he wrote from Nantes and Brest how singular his circumstances were, and how equivocal the conduct of the French government was. On the one hand, the English government still ventured to require the government of France to deliver up Silas Deane to England as a traitor; and, upon the other, the French government delivered to him, as the representative of the North Americans, a large supply of artillery, which was to be employed against England\*.

Franklin and Lee joined Deane in Paris, and gave their colleague diplomatic importance; Deane however was far better calculated for an intriguer than for the dignified position of an ambassador. The whole three were received by Vergennes on the 13th of December, and, as we learn from Franklin's correspondence, they were immediately afterwards, through Vergennes, brought into communication with Aranda, who was at that time Spanish minister in Paris. Aranda gave the same sort of hopes as Vergennes, but king Charles III. was too much of a Bourbon not to shrink back with horror from the contemplation of any kind of disobedience or resistance to a kingly, and therefore, according to his idea, a divinely ordained government. In January 1777 Lee was ordered to go to Spain, whither the prudent Franklin did not wish to go. He was only allowed however to proceed as far as Burgos, where he was met by Grimaldi, who sent him back again, after having promised him an insignificant sum for the purchase of munitions of war, which were to be sent out from Bilboa. Charles III. would neither take any official notice of the republic nor its ambassador. He remained firm to his anti-republican principles, even when the Americans had become allies of the king of France, and the latter had sent

\* 'Franklin's Works,' vol. viii. p. 191. Franklin to Hancock, president of the congress:—"I understand that Mr. Lee has *lately been* in Paris, that Mr. Deane is still there, and that *an underhand supply* is obtained from the government of two hundred brass field-pieces, thirty thousand firelocks, and some other military stores, which are now shipping for America, and will be conveyed by a ship of war."



a considerable number of auxiliary troops to their aid. In the year 1779 the Americans sent Jay, one of their most distinguished men, to Spain : he arrived in Madrid in January 1780, but was very coldly received. Jay spent two years in Spain, without obtaining any further encouragement or aid than a miserable loan of 150,000 dollars.

Franklin's appearance in the Parisian saloons, before he appeared at the court or was allowed to carry on any negotiations except by the instrumentality of others, was a very important event for the whole of Europe. At that time the prevailing tone in Paris settled and determined the social tone of all the rest of the civilized and fashionable world. The admiration of Franklin in the saloons of Paris was pushed to the most absurd and exaggerated length, and produced an effect bordering almost on the miraculous. His style of dress, the simplicity of his external appearance, combined with his characteristic placidity and mildness, as well as with that apparent humility learned in the school of the quakers, procured crowds of friends and partisans of freedom among courtiers who would have been shocked and terrified by coarseness of manners and bold and naked truths. Some opinion may be formed of the extent to which this was carried, and of the impression which republican ideas, and especially the externals of republicans, made, by a passage quoted from a writer who is indisputably the best authority for things which belong to his department and lie within the circle of his knowledge and capacities \*. Franklin was neither mistaken in

\* Ségur writes as follows :—" Rien n'étoit plus surprenant que le contraste du luxe de notre capitale, de l'élégance de nos modes, de la magnificence de Versailles, de toutes ces traces vivantes de la fierté monarchique de Louis XIV, de la hauteur polie, mais superbe, de nos grands, avec l'habillement presque rustique, le maintien simple mais fier, le langage libre et sans détour, la chevelure sans apprêts et sans poudre, enfin avec cet air antique qui sembloit transporter tout à coup dans nos murs au milieu de la civilisation amollie et servile du 18ième siècle, *quelques sages contemporains de Plato* (America and Plato !) ou des républicains du tems de Caton et de Fabius" (Roman patricians and American printers !). Franklin writes to Mary Hewson :—" Figure to yourself an old man with gray hair appearing under a martin fur cap among the powdered heads of Paris." Ségur continues :—" Ce spectacle inattendu nous ravissoit d'autant plus qu'il étoit nouveau et qu'il arrivoit justement à l'époque où la littérature et la philosophie répandoient universellement parmi nous le désir des réformes, le penchant aux innovations, et les germes d'un vif amour pour la liberté." After a whole stream of similar phrases which it is easy to imagine, he proceeds :—" Les commissaires du congrès n'étoient point encore officiellement reconnus comme agens diplomatiques, ils n'avoient point obtenu d'audience du monarque ; c'étoit par des intermédiaires que le ministère négocioit avec eux. Mais dans leurs maisons, on voyoit chaque jour

himself nor in the people with whom he had to do; he knew human nature well, and thoroughly understood what was going forward and what principles and follies were at work in the saloons of Paris. In his confidential letters he gives admirable delineations, full of comic humour, of Parisian society and of the reverence and admiration which were exhibited towards himself; but, like a genuine American, he took care to derive all those possible advantages from their folly, which a skilful merchant is accustomed to do from an ignorance or over-estimate of his wares. If we only compare the descriptions which Lacretelle, Lafayette, Ségur and others give of the attention which Franklin's appearance excited, with the confidential letters written from Passy, where he resided, to his friends in America, we shall see what miserable diplomatic bunglers the most skilful Parisians were in comparison with this old American printer. They were guided by long usage or custom, by art or science; he simply followed his natural instinct, which is an infallible guide, and can never be led astray or excelled, like art. Nevertheless he found all his negotiations obstructed as long as the war in America promised no successful results.

France would not acknowledge the new republic till it might be seen whether the people were really as much in earnest as the originators of the declaration of independence, and whether the new state was in a condition to maintain itself for any time against England. Franklin therefore even endeavoured to damp the enthusiasm of the young Lafayette, who was of the greatest use to him in Versailles, till the unfortunate turn which the war appeared to take was changed, and affairs might present such an appearance as would induce the French ministry to make a declaration in favour of the Americans. Lafayette however became impatient; he had already for six months past fitted out a military expedition at his own cost, purchased a frigate, arms and provisions, and collected a number of soldiers, especially of officers, who shared his enthusiasm; in April 1777 he would suffer himself to be no longer detained, but embarked at Bordeaux with a small but chosen body of troops. The French

accourir avec empressement les hommes les plus distingués de la capitale et de la cour, ainsi que tous les philosophes, les savans et les littérateurs les plus célèbres. Ceux-ci attribuaient à leurs propres écrits et à leur influence les progrès et les succès des doctrines libérales dans un autre monde (this was the cherished vanity which Franklin saw through and flattered), et leur désir secret étoit de se voir un jour législateurs en Europe comme leurs émules l'étoient en Amérique.'

government was so far from being desirous of breaking with England at that time, that the ministers not only sent a *lettre de cachet* after Lafayette (probably because they knew it would arrive too late), but upon the demand of lord Stormont they despatched two brigs of war to overtake and bring him back. After a voyage of seven weeks, however, he arrived safely at Georgetown in North Carolina.

Lafayette had no sooner landed, than, accompanied by six officers only, he hastened to Philadelphia, in the neighbourhood of which Washington was encamped with about 12,000 men : he was received by the American commander in the most favourable and friendly manner. The congress was a very cautious, prudent and close-fisted assembly, prosaic in its character, and for that reason very practical also. It was at that time urgently beset by adventurers and enthusiasts, and at first hesitated long before it could comprehend the enthusiasm of these young officers. When it afterwards came to appreciate his desire, the congress, with a view at least to satisfy Lafayette's wish, received him formally into the service of the republic, but by a resolution so framed as to show that they were greatly influenced by the belief and knowledge of the power and interest of his family at the court of France. On the 31st of July 1777 he was appointed a major-general in the North American army, and as it was stated, this appointment was made as a testimony of the sense they entertained of the sacrifices which he had made for the American cause, *of the distinguished rank and the connexions by marriage of the illustrious family to which he belonged.*

In the year 1776 the English reinforcements and their German mercenaries arrived in America, and the war was carried on with success in Canada and New York by the English ; some of their undertakings, however, against the southern provinces failed from want of skill on the part of their admirals. In Canada, general Carleton drove the Americans from Montreal and the St. John, passed Lake Champlain with the Canadians and encamped at Crown Point, when general Burgoyne arrived with the latest reinforcements from England, in order to take the command, to revenge the inroad of the Americans on Canada, and to push forward from the northern lakes to New York. This city had previously been defended by Washington against the attack of the English under Howe ; and to the astonishment of every one, the American commander with very bad troops maintained his

position till September against the best troops in Europe (English and Hessians). The blame in this case chiefly attached to general Howe, who held the chief command in the English army, and was as negligent in his attention to the duties of his office as lord G. Germaine was in his, who was at the head of the colonial department and therefore entrusted with the chief management of the American war. The minister is said sometimes to have put the most urgent despatches in his pocket when he was in society, and afterwards to have completely neglected and forgotten them: general Howe often neglected to read the orders which he himself signed, trusted to his subordinates, enjoyed himself, and gave way to personal indulgences even when minutes were precious. This will easily explain the reason why so little was accomplished in the last months of the year 1776 by an army said to have amounted to 30,000 men: it must not however be overlooked, that not more than 12,000 men of the English army could be brought at once into the field, and at that very moment there were 17,000 American militia on foot for a short time. The English took possession of New York in the middle of September, and the militia only remained in service till October, because according to law they were only bound to serve for twelve months. The general-in-chief therefore was no sooner forsaken by his militia than he was left to his fate. The English, who had already occupied Long Island, Rhode Island and New York, now spread over the Jerseys, and in winter would have crossed the Delaware and conquered Philadelphia had general Howe remained with his army as Washington did with his, instead of giving himself up to indulgences in New York.

The new republic derived some profit at least from the disasters and misfortunes of the winter of 1776-1777: the congress perceived that it had gone too far in the application of the democratical principle to the organization of the army, and immediately repealed the law which limited the service of the militia to twelve months. The legislative body, having been compelled to change its place of meeting from Philadelphia to Baltimore, conferred upon Washington a sort of dictatorial power in the army, but only for a short time. At the moment when the congress, for fear of his approach, had fled from Philadelphia to the Delaware, general Howe not only omitted to pass the river, but he neglected proper measures for the defence of the important posts



at Trenton and Princetown, which were near the Delaware, against an attack from the American commander. He left the superintendence of this affair to general Grant, who despised his enemy, regarded an attack or surprise as an impossibility, and thereby afforded Washington an opportunity of restoring some degree of confidence to his American troops.

The unimportant advantage which Washington gained at Trenton led to another successful attack upon the British troops at Princetown, and made the English so cautious that they remained for some time behind their lines at New-Brunswick. When they afterwards attempted to provoke the Americans to an engagement, Washington was by far too good a general rashly to stake his reputation upon the chances of such a battle, and his enemies could not force him to accept their challenge. In winter Howe gave himself no trouble about his army, and every general followed his own course. The Hessians formed the advanced division, without however maintaining their lines of communication with the rest of the troops in such perfect order as to enable them immediately to secure assistance in case of necessity, and they were also too negligent of the movements of the enemy. Fifteen hundred Hessian troops and some English light cavalry were stationed at Trenton, but general Grant ridiculed and disregarded all the representations of the Hessian commander respecting the importance and necessity of keeping open their lines of communication with the main army: Washington immediately took advantage of their neglect. On the morning of the 26th of December Washington crossed the Delaware, surprised the Hessians at Trenton, who were too confident of their security, and after a short engagement succeeded in making prisoners of the greater part of the troops. The American commander, having fully succeeded in his design, and wishing to avoid an engagement with the main army, recrossed the river on the same evening, carrying with him the prisoners, their artillery and baggage, as he entertained no doubt that the English general would immediately concentrate his scattered divisions on the Delaware. He was however no little astonished to hear that the English division at Princetown remained as completely isolated as the Hessians had been at Trenton: he therefore again crossed the river after the lapse of about eight days, and first appeared before Trenton. Here Washington came in contact with lord Cornwallis, who was a man of distinguished military talent: the

American general avoided an engagement, out-manœuvred his opponent, and by a night march arrived at Princetown, where he surprised and defeated three regiments of British troops. The English after a brave resistance lost the half of their men, and Washington at first took possession of Princetown, but was prudent enough to avoid an engagement with the main body of the English army under lord Cornwallis. In these two skirmishes he accomplished all he could possibly have expected with 4000 men\*. Cornwallis now retired to New-Brunswick, where the English army took up its quarters. Washington had now full scope for his operations; the confidence of his troops was restored; he drove the Hessians out of the Jerseys and obtained the glory of having delivered Philadelphia, and again occupied the greatest part of the Jerseys.

It is impossible to comprehend why general Howe should have suffered himself in some measure to be besieged for six months in Brunswick by a weak and badly organized army, as the handful of Americans under Washington for this whole period were scarcely ever ten hours distant from his camp. The war would probably have taken quite a different turn in this year had lord Cornwallis been in command instead of general Howe. Howe was scarcely ever present with the army; he remained quietly in New York, enjoying the society of his ladies, till the beginning of June. He remained in New York till considerable reinforcements from England had arrived; but when he at length appeared and took the field he found that the Americans also were reinforced, and had taken up and fortified themselves in some very strong positions. He attempted during the whole of June to bring Washington to a decisive engagement, but the American general was very cautious, because he had already suffered some loss in a skirmish in which he ventured to try his troops on the 26th. General Howe, finding Washington's position inaccessible and his resolution fixed, relinquished the campaign in the Jerseys after several ineffectual feints and inflicting ruin and desolation on the country, and resolved to make an

\* See Stedman's 'History of the Origin, Progress and Termination of the War in North America.'

In the year 1776 the English are said to have had 24,000 men in August, and the Americans 16,000; in November the English 26,000 and the Americans 4500; in December the English 27,700, the Americans 3300; in June the English 30,000, the Americans 8000.

attack from the sea-side, by passing up the Chesapeake and making an attempt in this direction upon Maryland and Pennsylvania, and especially upon the city of Philadelphia. When the English commander-in-chief relinquished the campaign in the Jerseys, he would indisputably have done better to have gone northwards and formed a junction with general Burgoyne, who had advanced from Canada into the northern part of the province of New York ; but instead of that, he resolved, as has been stated, to pass through Maryland into Pennsylvania.

The troops were obliged to remain from the 1st till the 23rd of July 1777 in the ships, during the warmest time of the year and in an unhealthy climate ; the wind and weather afterwards proved unfavourable for the voyage, and as this was usual at the season, Howe should have previously foreseen the difficulty. At a later period the measures of defence taken by the Americans rendered the voyage up the Delaware impossible. At the end of August Howe disembarked his army in Chesapeake Bay, and in the early part of September advanced along the Delaware through the small province of Maryland towards Philadelphia. Washington was then at the head of 14,000 men, among whom there was a considerable number of French experienced in war, and some refugee Poles. His object was to cover Pennsylvania and to dispute with the English the passage of the Brandywine, which is a tributary of the Delaware ; he therefore resolved on a decisive engagement. Washington encamped on the heights on the eastern side of the Brandywine, but was unsuccessful in defending the passage ; he was outflanked by the British. In this affair Washington had not to do with general Howe, but with lord Cornwallis and the Hessian general Kniephausen, who commanded the two columns in which the army advanced, and both of whom were officers of experience. Lafayette acted as Washington's major-general on this occasion, and the Poles were commanded by the same count Pulawsky, who has become either renowned or infamous by his bold attempt in 1772 to carry off king Stanislaus from his own capital. The battle was fought on the 11th of September 1777 ; the republicans were completely defeated and Lafayette wounded. Lafayette alleges, in his account of this affair, that if the English on this occasion had vigorously and skilfully followed up their victory, it would have been easy for them to have scattered and annihilated the whole American army. General Howe was not however the man for any such

decision or enterprise ; he delayed long upon the field of battle ; and general Washington, who was of more value to the Americans than all their miserable soldiers, gained time by his delay to collect as many of his ill-disciplined and scattered troops as it was possible. He remained three days afterwards in Philadelphia, provided his army with provisions and stores, and on the advance of the English withdrew into the extensive forests behind the city. The loss of Philadelphia was the only serious disadvantage to the Americans of what was called the battle of the Brandywine, in which the defeated party, according to the highest accounts, did not lose more than a thousand men, in dead, wounded and prisoners. The English troops commenced the movement in advance on the 16th, and did not take possession of Philadelphia till the 26th, and in order to occupy the city, it was necessary materially to weaken the main division of the army. Washington remained tolerably secure in the forests on the banks of the Schuylkill ; here he again succeeded in drawing reinforcements to his army, and made an attempt to surprise the English at Germantown : he found them however on this occasion better on their guard than they had been in the previous year at Trenton, and was obliged to enter into a general engagement. The Americans were repulsed, though without suffering greater loss than in the battle on the Brandywine ; the conquerors on their part gained very little by their victory, because the fate of the new republic was not decided by the campaign in Pennsylvania, nor the battles between Washington and Howe, but in New York and on the Hudson, by the defeat of the second main army by which England proposed to re-establish her dominion over her colonies.

The expedition from Canada against the northern part of New York failed for the same reason for which all the other undertakings of this war proved unsuccessful. The English ministry was not national or popular ; it was therefore obliged to select for its commanders, not able men like Carleton and Cornwallis, but men such as Howe and Burgoyne, because they possessed great parliamentary influence and had many friends and relations. When we only remember the services which Carleton performed with his small number of soldiers and militia in the year 1776 and the commencement of 1777, and know who Burgoyne was, who was appointed to supersede Carleton in the command of the troops which were to force their way through the trackless



forests of the North to Albany on the Hudson, and then to descend this river to New York, we shall have no difficulty in explaining the complete failure of the expedition. Burgoyne formerly belonged to the opposition in parliament; he had been won over by the government and was brought to court, where the king, who at that time took great personal interest in these affairs, received him with favour: with the map in his hand he boastingly traced out to his majesty the route of an expedition in which everything depended upon a thorough knowledge of the locality and of his men: he was then appointed to the chief command. Neither Howe nor Clinton received any orders for him, nor did they communicate any to him, but left him alone to provide for and carry out his plan as he best could. Carleton, who had been commander-in-chief in Canada, possessed all those talents and that experience in which Burgoyne was wholly deficient, but the former was obliged to make way for the latter. In the beginning of the year 1776 the American militia made incursions into Canada, conquered Montreal, and pushed forward to Quebec; Carleton defended the province with a mere handful of men. In May he repulsed the desperate assault which was made on Quebec by the Americans under general Montgomery, on which occasion the latter fell a sacrifice to his bravery. Having received reinforcements he now advanced in his turn against Montreal, reconquered the city, and when obliged to surrender the command to Burgoyne, had reached the lakes on the southern frontiers of Canada, with an army of English and Brunswickers now increased to 13,000 men.

Burgoyne was neither acquainted with the Canadians, upon whose militia so much depended, nor with the difficulties attending a march through pathless forests; Carleton was offended at his treatment, and soon after wholly retired. In this expedition, which was to be undertaken by Burgoyne at the head of 8000 German and English troops, accompanied by 2000 Canadians, there was indeed very little to fear from the enemy; but the want of provisions for his armies and the difficult nature of the country must have involved him in insuperable difficulties. The difficulties of the march from the northern lakes to Albany on the Hudson, where they might hope to fall in with that portion of the main army which Howe and Clinton had left in New York, were greatly increased by Burgoyne's being obliged to take into his service the then numerous but now almost extinct

Indian tribes as his allies. This step was taken by the express command of the English ministry and against his own decided opinion. His Indian allies were guilty of the greatest cruelties and excesses, no effectual restraints could be imposed upon their savage barbarity, whilst they were of almost no use in the field, and of very little more in supplying the wants of the army by the chase and predatory expeditions. On the other hand, their employment excited the utmost indignation and rage in the minds of the colonists, and rendered the difficulty of providing an army almost impossible in a country where at that time settlements were thinly scattered, and the dwellings of the colonists were embosomed in the mighty forests. The barbarities of the savages were all naturally laid to the blame of the English, and made them and their cause objects of hatred both in America and Europe.

General Burgoyne commenced his march in June 1777; on the 5th of July he captured the fort of Ticonderoga, and then advanced to Skenesborough, which he also occupied, because the small American army of 1500 men could not resist but only delay and harass his march, which was first to be directed towards the Hudson and then down that river to Albany. The English reached the Hudson or North River on the 30th of July; and when general Gates replaced general Schuyler in the command of the American army of the north, Burgoyne's position had become imminently dangerous. Burgoyne was generally blamed for not having returned to Ticonderoga after the capture of Skenesborough and there reshipped his troops, instead of attempting to force his way through the wilderness, where he must clear paths, fell trees, build bridges over rivers and ravines, and wade through long, deep and dangerous morasses: in this manner twenty days of unremitting labour were consumed in accomplishing a distance of not more than as many miles\*. The difficulty of the march through such a country was vastly increased by the transport of the heavy train of artillery with which the army was provided, and general Howe did absolutely nothing to lighten the difficulty of the undertaking. It is true that Howe, when he embarked on his expedition to Maryland and Pennsylvania, in order again to land at the mouth of the Delaware and ascend that river, left Clinton in New York; but he left him with only seventeen battalions and a regiment of light cavalry, and without

\* See Burgoyne's 'Justification.'

giving any orders whatsoever respecting Burgoyne. Clinton afterwards alleged, that he had taken it for granted that the army which was moving forward from Canada on the Hudson was in a condition to reach Albany without his assistance, and he therefore waited till his reinforcements arrived in the end of September before he embarked on the Hudson with 3000 men. This expedition was undertaken without any view of lending aid to Burgoyne, because Clinton knew nothing of his situation, but in order to destroy those forts which the Americans had erected on the river to bar the navigation to the English and prevent them from ascending to Albany, where Burgoyne was to embark.

Burgoyne's difficulties increased as he advanced; he soon found himself deprived of all supplies, and both the Canadian militia and the swarms of his Indian allies, who had hitherto accompanied him, forsook him in the very moment of his greatest necessity. The Americans gained additional confidence in themselves by two successful engagements (at Bennington and Fort Stanwix) fought in the middle of August, and the number of their troops increased to 14,000 men. In the former of these affairs just referred to, the loss fell chiefly upon the Brunswickers. Burgoyne had the imprudence to despatch colonel Baum with a small division, on the 13th of August, to a distance of three days' march from the main army, to take possession of the town of Bennington. He himself afterwards saw that this expedition was so unjustifiable in itself, that he alleged he had given orders for the undertaking merely because he was reduced to the greatest straits for supplies, and knew that the Americans had collected stores at Bennington which it was important to capture. It is however certain, that on the morning on which he issued his orders to colonel Baum he knew nothing whatever of the existence of such supplies. Baum's division was obliged to march three days through the wilderness; on the third day it was assailed by the Americans; and before a message could be sent and aid arrive from the main body, it was surrounded, its position carried by storm, and the whole division either routed, killed, or taken prisoners. A body of their countrymen who were sent to their relief experienced nearly the same fate, and with diminished numbers were obliged hastily to withdraw with the loss of their baggage and artillery. On this occasion Burgoyne lost in all some 600 men. Immediately afterwards the Americans were reinforced and the command transferred to ge-

neral Gates. In the second engagement at Fort Stanwix, Burgoyne's troops fought with more success than at Bennington, but their situation nevertheless soon became desperate, because they had neither any prospect of being able to reach Albany, nor saw any possibility of returning to Canada, and were only provided with stores for thirty days.

The misfortunes which befell Burgoyne's army were decisive of the fate of the new republic; for France was no sooner made acquainted with the news of Burgoyne and his army having been compelled to surrender as prisoners of war, than she acknowledged the republic. This no sooner took place, than it became obvious to every one, that the English, who had previously proved unable to reduce the provinces to obedience, would certainly not be in a condition to do so now, if a fleet and subsidies were sent from France, even without the aid of an auxiliary army. The English historians blame Howe as well as Clinton and Burgoyne, and vehemently accuse them both of neglect and precipitation. In order to form a just opinion on these points, we must refer our readers to Stedman, who at that time was serving under lord Cornwallis, in whose work they will find full details of the military undertakings; these lie beyond our scope and our object, and we hasten on to the catastrophe.

A hostile fate seemed to pursue the English armies in this war; for on the very day on which Clinton despatched a division under general Vaughan to meet Burgoyne, the latter began to despair of the possibility of reaching Albany, and Clinton's troops had returned to New York a single day before his retreat to Canada. In the beginning of the month Clinton had succeeded in removing all obstructions to the navigation of the Upper Hudson; he had destroyed forts Montgomery and Constitution, but withdrew his troops at the very moment when he ought to have made a last desperate attempt. On the 9th of October Burgoyne began his retreat towards the north, and on the 10th reached the neighbourhood of Saratoga, where the enemy was collected in considerable force at Still Water, on the left bank of the Hudson. He was here suddenly surrounded by the Americans, who were too prudent to risk a battle, but remained in their position. The English had been for three weeks reduced to half rations; they had now only five or six days' provisions, and were exhausted by their march through a difficult and almost impracticable country; and after a variety of harassing attacks,



the loss of many officers and men, the whole country being in possession of the enemy and every pass barred, nothing remained but to propose terms of capitulation to general Gates. Burgoyne had previously sent several officers to Clinton to apprise him of his desperate condition; one of these alone escaped the enemy and reached Clinton in New York. As Clinton was the elder in command, Burgoyne begged him to send him orders, and urged him to march northwards to his relief; Clinton however answered, that he could neither give him orders, nor do anything for him more than had already been done by the expedition under general Vaughan. Ramsay as well as Stedman blame Clinton for not having immediately marched from New York as soon as he was informed of Burgoyne's desperate condition, and think that he ought to have made a bold attempt with his regular army against the miserable bands of American militia, however numerous they might have been. They allege, that he might easily have reached Albany on the 12th of October, advanced so as to have taken Gates's army in the rear, and thus prevented this disgraceful and fatal capitulation.

Burgoyne had been at that time long left to his fate by the Canadian militia and by the Indians, who together amounted to about 3000 men; since July he had lost 4000 men, and there were now only remaining some 6000 under his command, of whom one half were Germans. Stedman alleges, that of his army of 10,000 men he had only 3500 left capable of bearing arms. On the 13th of October the general called a council of war, and the officers were unanimously of opinion that they should accept the honourable terms of capitulation which general Gates was willing to grant. The capitulation was actually concluded on the 15th. The English were allowed to march out of their camp under arms, which they were to pile when they had passed beyond the line of their encampment. They were obliged to promise no longer to serve in America, and were to be conveyed to Boston, and from thence embarked for England; the last condition however was not fulfilled, because congress refused to ratify it. The number of men, Germans, English, provincial loyalists and some remaining Canadians, &c., who were taken prisoners of war along with Burgoyne, has been stated very differently by different writers; that is to us indifferent. The things of main importance for the Americans were the arms and munitions of war which fell into their hands, and

especially the thirty-five pieces of admirable artillery of various calibre. Burgoyne's unfortunate campaign and the capitulation of Saratoga were the signal for a European war, to which we shall only refer in this place in as far as it is connected with the origin of the new republic. This capitulation, together with the defeat of a second of her armies under the command of one of her most distinguished generals, was the cause which induced the English government to think of relinquishing the idea of subjugating the North American colonies.

The news of the capture of the whole army, whose expedition had been previously announced in such magnificent terms, arrived in France precisely a year after Franklin's entrance into Paris, and he knew well how to turn it to admirable account. He had hitherto lived apparently retired in Passy, but he was notwithstanding the chief object of attention in the whole of France. He and the cause of the Americans were the fashion; he was pressed on all sides for recommendations to the American service, and overwhelmed by importunities of all kinds. He and the two other American plenipotentiaries had been, it is true, in uninterrupted secret communication with the ministers, but after the battle of Saratoga they were suffered immediately to assume a public character in France, and, as representatives of the congress, to treat concerning the acknowledgement of the republic as an independent nation. The French ministry, even before this event, had taken no pains to conceal their feelings of hostility towards England and their favourable disposition towards America. It had caused a million of livres to be paid to Beaumarchais, who was then to lend the money to the republic to purchase materials of war; and according to the agreement entered into with Silas Deane, the congress was to send tobacco and other American productions to France in repayment of the loan. We have already stated, that Deane had also previously received 30,000 stand of arms, 200 cannon, 30 mortars, 4000 tents, clothing for 30,000 men, and 200 tons of gunpowder from the French government. The three deputies, indeed, could not obtain from the government the promise of a naval expedition till after the battle of Saratoga, but Maurepas and Vergennes offered them a sum of 2,000,000 livres as an aid. This was called a loan contributed by the noble-minded rich enthusiasts for freedom; but every one knew that the punctual quarterly payment of half a million flowed from the royal treasury. The farmers-ge-

neral also advanced a million, for which they agreed to accept payment in tobacco.

As early as 1776 Vergennes and Maurepas were disposed for a public alliance with America; but Turgot, as long as he remained in the cabinet, dreaded the cost, and Necker would on no account hear of any interference on the part of France; and nevertheless, the courier had scarcely arrived on the 4th of December with the news of the capitulation, when Gerard, the secretary to the cabinet, presented himself at Franklin's house and requested him to renew his proposals for a treaty. On the 12th of December the three Americans had their first public audience of Vergennes, and from that time forward they carried on negotiations with him and Gerard for the formal recognition of the republic as an independent state. Vergennes at first felt some difficulties on account of the king of Spain, but this obstruction was removed in the course of December. The French ministers declared that their negotiations should be conducted on principles of perfect reciprocity, and the treaty be regarded as merely a treaty of friendship and commerce, without imposing any burthensome conditions or making any heavy demands upon America. The ministers added, that the acknowledgement of the republic would probably lead to a war with England; but notwithstanding that, the king would prefer no claims for the costs, or for compensation for any losses which might be sustained by France in consequence of such acknowledgement. That the only condition upon which the king would insist would be, that the United States would not relinquish their independence by any treaty with Great Britain and become anew subjects of that kingdom. The French government was fully convinced that Spain, although ready and anxious for a war with England, would never consent to any alliance with the new republic; and the idea of being able to persuade the king of Spain to take any such step was therefore necessarily given up. The recognition of the United States on the part of France was united with a treaty of alliance, according to the terms of which France promised to support the North Americans with her whole power until she had completely won her independence. This treaty moreover contained no burthensome conditions for the republic. France regarded it as advantage enough that the united provinces should wrest their freedom from the hands of the English, and thus humble and weaken the power of her

enemy. There was therefore no single condition in the treaty touching any claims which France might have upon any portion of the conquests either on the continent of America, Canada, or the islands in the St. Lawrence, which the English had wrested from the French in the last war. The treaties were signed as early as the 6th of February, and immediately ratified by congress.

The impression which the first appearance of the American ambassadors at the French court and Franklin's subsequent intercourse with it made upon the whole of the educated persons among the higher classes in Europe, was far more important for France and for the whole of Europe, which then blindly followed the tone given by Versailles, than even this treaty, although it led to a bloody war. This impression was by no means limited to France, but was also very sensibly felt in Germany, and particularly because it was contemporaneous with those changes which had been introduced by Basedow and others into the system of school education. The scene which occurred on the 20th of March 1778, when the American plenipotentiaries were presented to the king and introduced at court, may be said in some measure to have no longer belonged to the olden times, but to the period of the revolution, since not only those who had a right to appear at court were present in multitudes and masses, but the populace assembled in the court of the palace and played a part on the occasion. Franklin alone was the subject of universal admiration, as the *ideal* of a patriarchal republican and of idyllic simplicity; and of the three, he alone remained as the proper ambassador. Silas Deane was immediately afterwards recalled by congress, and Lee had made himself an object of suspicion and hatred, although from very different causes. The whole rested upon Franklin, and every one regarded him as the image of that ideal and poetic democracy which Rousseau had so charmingly described. Franklin was accompanied to the audience by a very large number of Americans, collected together from various quarters; and as soon as he appeared in the royal chambers, notwithstanding the rules of etiquette, he was received with loud clapping of hands and joyful applause. When the embassy retired in solemn procession from the royal audience-chamber and crossed the court to the minister of foreign affairs, it was again received by the assembled people with rounds of cheers and shouts of applause; and wherever Franklin afterwards



showed himself in Paris, he was the wonder of the day, and was greeted by the multitude with cheers. Even the young court in its sentimentality and frivolity was quite delighted with the novelty and contrast of the sleek unpowdered hair, the round hats, the plain brown broad-cloth quaker-coats of the republicans, with the tasseled and embroidered garments of the courtiers and their curled hair, powdered and fragrant with pomades. Moreover, Franklin's formal reception at the French court, as the sole accredited minister of the United States, did not take place till May in the following year (1779).

The old man was born and trained to mix uncorrupted in all the courtly politeness of a people, which at that time sought for its chief honour in courtliness and gallantry, to indulge agreeably in all the silliness of society, to profit by his intercourse with the ladies, as a prudent man must, to show himself in the highest degree grateful for all the polite attentions which he received, and yet like a prudent tradesman never to deviate an inch from the track of solid speculation. Like a practical citizen, who only regards what is substantial as gain, Franklin looked upon all this fashionable excitement and applause as merely symptoms of a favourable conjuncture for business, from which he was to derive as much advantage as he possibly could. He himself informs us, that he dined out six days in the week, and profited by the admiration and idolizing of the ladies, as all diplomatists are accustomed to do\*. The miserable English ministry, instead of immediately declaring war against France, pretended in March to be wholly ignorant of the treaty, and made a ridiculous at-

\* He writes to his daughter ('Works,' vol. viii. p. 373): "The clay medalion of me you say you gave to Mr. Hopkinson, was the first of the kind made in France. A variety of others have been made since of different sizes; some to be set in the lids of snuff-boxes, and some so small as to be worn in rings; and the number sold is incredible. These, with the pictures, busts and prints (of which copies upon copies are spread everywhere), have made your father's face as well known as that of the moon, so that he durst not do anything that would oblige him to run away, as his phiz would discover him wherever he should venture to show it. It is said by learned etymologists, that the name *doll*, for the image children play with, is derived from the word *idol*. From the number of dolls now made of him, he may be truly said, in that sense, to be *i-doll-ized* in this country."—P. 401, he writes to a friend: "The account you have had of the vogue I am in here has some truth in it. Perhaps few strangers in France have had the good fortune to be so *universally popular*; but the story you allude to, mentioning 'mechanic rust,' is totally without foundation. *But one is not to expect being always in fashion.* I hope however to preserve while I stay the regard you mention of the French ladies; for their society and conversation, when I have time to enjoy them, are extremely agreeable."

tempt in parliament at effecting a reconciliation with America. With this view three commissioners were despatched, although every one knew that the Americans could not be induced by this miserable trick to separate from their new alliance with France, or to expose themselves to the suspicion or contempt of those who had shown a devoted generosity in the maintenance of their cause, even by entering upon any new negotiations. This in fact was the hope entertained by lord North.

The events of the war in America after the alliance between France and the United States become far less important for the objects of our history than they had even previously been ; we cannot however overlook them altogether. We shall therefore very briefly allude to the events of the years 1778-1779, and in conclusion dwell at somewhat greater length upon those of 1780-1781, because in those years the destiny of the republic, by the aid of French troops, was fully determined, and the triumph of their cause became complete.

General Howe was recalled as early as the close of the year 1777, and on this occasion he uttered the bitterest complaints against the ministry, which was universally blamed by friends and foes, and particularly against lord George Germaine, who had charge of American affairs ; in April 1778 he was actually relieved of his command. It is true, he had maintained himself during the whole winter in Philadelphia, and yet, before his departure and the resignation of his command into the hands of general Clinton, he was ordered by the ministry to evacuate Pennsylvania, because it was said the whole army was to be concentrated under the personal command of Clinton. At the very moment in which Howe was removed from the command in America, a French fleet was equipped under the orders of D'Estaing, and the English government, according to its usual custom, had given orders to commence hostilities by the seizure of all ships under the French flag, even before a declaration of war was made. The orders to march from Philadelphia through the Jerseys to New York, was given especially to guard against the dangers to which the troops might be exposed in the course of a transport by sea from the ships of the French squadron, which were supposed to be destined for the mouth of the Delaware with a view to shut up the English army in Philadelphia. The war in Europe was commenced on the 17th of June 1778, by an attack made by the English frigate *Arethusa* upon the French

frigate *Belle Poule*. The French squadron under D'Estaing actually arrived in the mouth of the Delaware on the 8th of July, soon after admiral lord Howe had left the river with the English ships. The retirement therefore of the English army from Philadelphia was undertaken just in time to avoid the danger with which it was threatened. The march of the English and Hessians through the Jerseys to Sandyhook, where they were to be taken on board the English fleet, was not effected without risk ; it continued from the middle of June till the beginning of July, and the Americans not only harassed them on their march through the Jerseys, but even ventured upon a formal attack, from which however they derived but little advantage. On this march Cornwallis and Kniephausen gained as great reputation as Washington. The army reached Sandyhook, embarked on the 5th of July, and on the same day was landed in New York.

The British ministry of that day was so careless and indifferent even in the most important affairs, that it knew nothing of Franklin's having made an agreement with Vergennes as early as 1777 to send a French fleet to America, and yet Silas Deane had a secretary who sold his secrets. This secretary was won over in England by means of speculations in the funds, by which Deane himself became an object of suspicion to the French ministry, although he had dismissed his secretary. The fleet was however equipped in Toulon in 1777 ; it consisted of twelve sail of the line and six frigates, with a considerable number of troops on board, the whole under the command of admiral D'Estaing : this expedition sailed from Toulon in April 1778, two months before the war. It was however so delayed by contrary winds, that it only passed the straits of Gibraltar on the 15th of May. The English immediately prepared a fleet to oppose this French armament, and entrusted the command to Lord Byron ; but the admiralty being as grossly neglected by lord Sandwich as his department was by lord G. Germaine, the fleet could not be got ready for sea till the 9th of June, when it sailed from Plymouth. The French had consequently time enough to follow out their plans without being obstructed or prevented by lord Byron. D'Estaing also, as has been already observed, failed in his object, the English army was no longer in Philadelphia, and lord Howe's fleet had left the Delaware before the arrival of the French admiral ; the latter therefore resolved to sail northwards, and on the 11th of July came to anchor before New York. Lord

Howe, whose fleet was in these waters, awaited D'Estaing's attack with his ships drawn up in order of battle, although they were very inferior to the French both in number and weight of metal. D'Estaing, however, found that the nature of the bar and other inconveniences would render it impossible to manœuvre his large ships with advantage, and he therefore sailed at the end of the month to Rhode Island, in order to cooperate with the American general Sullivan in wresting this island from the hands of the English. Neither the French fleet nor the American army was successful in the enterprise, for lord Howe, having received some reinforcements from England, put to sea and followed D'Estaing to bring him to an engagement, and the latter gained merely the reputation of having maintained his position in spite of the efforts of a British fleet. Nothing decisive having been effected by either fleet, D'Estaing ran into Boston harbour to refit, and the Americans evacuated Rhode Island. The chief advantage which the Americans gained from the attack upon Rhode Island, and from the cooperation of D'Estaing's fleet, was the destruction of some English frigates, which were burnt and sunk to prevent them from falling into the hands of the French. D'Estaing afterwards supported the Americans in several small undertakings by sea, in the mouths of the rivers, and against some of the sea-port towns, and was undisturbed in those operations by the English fleets, which were scattered and driven about by violent storms. Eventually the English ships were collected to refit in the harbour of New York, where a considerable naval force was brought together under admirals lord Howe, Sir Hyde Parker, and lord Byron. Admiral Gambier afterwards took the command instead of lord Howe, and Byron sailed with his squadron to the West Indies, whither he had been preceded by D'Estaing, who had sailed from Boston on the 3rd of November.

Whilst the English and French fleets were engaged in several naval operations in the West Indies, to which we shall afterwards refer in the history of the war between England and France and Spain, the English endeavoured to remove the scene of war in America from the northern to the southern provinces, because the feeling towards a continued connexion with England was stronger in the south than in the north, and there was a much greater number of persons of aristocratical rank and tendencies. Sir Henry Clinton despatched colonel Campbell with



a division of troops for the conquest of Georgia, in which expedition he was to be supported by general Prevost, governor of the English province of East Florida. Both landed with their troops on the 23rd of December at the mouth of the river Savannah, and without trouble conquered the city of the same name. The whole of the spring and summer of this year was passed by the English in trifling engagements, predatory expeditions, and attempts to occupy various strong positions on the coasts of Georgia and the Carolinas, or to wrest them from the hands of the Americans; at length they took up a position at Beaufort, on the coast of North Carolina, and in May made an attempt to reduce Charlestown, the capital of the southern province. The attempt failed; the English however still kept possession of the greatest part of Georgia, even when the Americans had again established themselves in the northern part of the province. The Americans were kept in a state of continual apprehension in consequence of the strong position occupied by the English garrison at Beaufort on the island of Port Royal, and they therefore applied to the French to lend them the aid of the West India fleet under D'Estaing to drive their enemies from this position. The Americans proposed to make an incursion by land into Georgia, whilst D'Estaing was to support them by an attack upon Savannah from sea; this admiral was not in very good reputation even among his own countrymen, on account of his vehemence of character and precipitancy of action.

At the end of the summer 1779, D'Estaing appeared so unexpectedly on the American coast, that he easily captured two English ships of the second class, and immediately made an attack upon the city of Savannah. With this view he had brought a considerable number of land forces on board his fleet, and general Lincoln was to attack the city from the land side with an American army. The English strained every nerve successfully to defend Savannah against the French, inasmuch as they had no reason to fear a protracted siege. The enemy did not appear before the city till the beginning of October, and D'Estaing's fleet must necessarily return before the winter. Above 5000 French troops were disembarked, the American militia poured in from all quarters, and on the 4th of October a tremendous cannonade was opened on the city from fifty heavy guns and fourteen mortars. D'Estaing's restless impetuosity made him soon weary of protracted operations, and at the

expiration of four days he determined to attempt to reduce the city by storm ; in this bold attempt he himself led one of the columns and count Pulawski the other. The English artillery was too well served to allow the enemy to make good their assault or gain possession of the works ; they were repulsed with great loss, and Pulawski himself mortally wounded ; D'Estaing also received a slight wound. Immediately after this unsuccessful and unfortunate attempt the siege of Savannah was raised, and the French and Americans were obliged to withdraw, after having lost 1500 men, without gaining the slightest advantage. The fleet only remained before the city till all the troops were re-embarked, when D'Estaing sent one portion of his ships to the West Indies, whilst with the other he returned to Europe, and was no longer employed. The military operations in the northern provinces were too unimportant to call for any notice in this place.

In the following year (1780), Clinton was desirous of completing what Prevost had commenced with such good success. He had reduced and maintained Savannah, and the object was now to take possession of Charlestown and the whole of Carolina. Clinton proposed to take the command of this expedition in person, and embarked a considerable number of troops in Sandyhook on board a fleet under the command of admiral Arbuthnot. The fleet sailed from New York on the 26th of December, and arrived at the island of St. John, about forty miles from Charlestown, on the 11th of February 1780. From this place they proceeded from one island to another, till they at length reached the continent and appeared on the river Ashley near the city, whilst the fleet blockaded the town on the sea side. On the 1st of April the trenches were opened, and on the 12th of May the city surrendered, in consequence of which 400 pieces of cannon, a great number of ships, and great numbers of French and American sailors, besides a garrison of 1500 men, fell into the hands of the English. At the very moment in which Clinton was projecting three great undertakings, one to secure the Upper Savannah and the town of Augusta, a second under lord Cornwallis to drive the remainder of the French troops out of Carolina, and the third to support a movement on the part of the American loyalists, he received intelligence that, contrary to expectation, another body of French auxiliary troops were destined for America, which would land in one of the havens of the

northern provinces. This French expedition rendered Clinton's presence in New York absolutely necessary, in order to take measures for the defence of that province, which had been occupied by the English from the very commencement of the war. Clinton therefore embarked with a portion of his troops for the North, and left the remainder under lord Cornwallis in the southern provinces.

On this occasion Lafayette was again the chief person ; for without his enthusiasm, the cause of the Americans, who wished to be free indeed, but were neither willing to pay the cost nor bear the burthen of the war, would often have been reduced to a very bad condition. He was to have led an expedition against Canada, but when he arrived in Albany he found that there were neither troops, money nor stores ; he however exhibited neither chagrin nor disappointment, but returned to his friend Washington and offered himself to go to France, and in connexion with Franklin to use all possible endeavours to induce the French to send out some auxiliary troops. Seeing that the Americans were wholly without a regularly disciplined army, this proposal had been often made in the very commencement of the war ; but the Americans, as well as the French, doubted whether such a plan was advisable. The Americans still continued to be Englishmen, that is, a people whose modes of thinking and acting are so completely opposed to the national character of the French, that the two parties could never serve together without differences and disputes. Complaints were made of the volunteers and of the officers, with whose services however they could not dispense : they laughed at the Frenchmen and their ideality, of which the rough practical Americans were and are the last people in the world to have the slightest comprehension ; even in those places where the sailors of the two nations served together there were continual and violent quarrels. As to the French, the cabinet was of opinion that it was called upon to make too great a sacrifice to expose and sacrifice the lives of the French people for the establishment of the freedom of a foreign nation without any view to advantage or conquest, and that it was enough to furnish aid in ships and money. Lafayette alone entertained a different opinion from that of the French ministers, and as Franklin's most recent biographer informs us, even from that of Washington\*. In 1779 he came over to France expressly with

\* "Lafayette had been a year and a half in the country, and from the man-

a view of using his powerful influence to induce the French government to send further aid to the Americans. When Lafayette arrived, he found the prince de Montbarrey, whose want of energy was proverbial, still in charge of the war department; but in 1780 he was replaced by his near relation the aged marquis de Ségur, father of the author of the 'Mémoires.'

Before Lafayette could induce the ministry to concur in his plans for America, he urged them to undertake an adventure on the coast of England or Ireland, in which the well-known Paul Jones, afterwards celebrated as a naval commander in America and Europe, was to be engaged to cooperate as captain of a privateer. Paul Jones had already received his instructions from Franklin, but the Spaniards who were to cooperate failed in their engagement. The affair was still under consideration in August, when it was finally relinquished, and Lafayette now urged with double zeal the sending of an expedition with an auxiliary army to America; and it was resolved at the close of the year 1779 that measures should be taken for the equipment of a fleet. The fleet was to convey a number of select troops to Rhode Island, who were first to recover this island from the English, and that effected, to serve under general Washington for the general objects of the war. In order to avoid all contests on the subject of the command or of rank, Washington was at that time nominated a French lieutenant-general and admiral. As the French at the same time paid the expense of the expedition, and the affairs of the Americans were in a very bad condition, Lafayette was received with loud rejoicings when he hastened to America to announce the news that 6000 French auxiliary troops would be conveyed to Rhode Island. The cunning Franklin had previously caused a sword of honour, which congress had decreed as a testimony of their gratitude and esteem, to be made in Paris, and to be presented by his grandson with great ceremony to the vain but noble-minded Frenchman. Franklin did not fail on the occasion to write a highly flattering and eulogistic address, to which his grandson added a most complimentary speech.

ner in which he and other French officers were treated by all classes of the people, he was satisfied that there would be no hazard in bringing an army of Frenchmen to cooperate with American soldiers. He conversed frequently with general Washington on the subject, and *although the opinion of the latter is nowhere explicitly recorded*, it is certain that Lafayette returned to France fully convinced that such a measure would meet his approbation."—*Works*, vol. i. p. 460.



This French expedition to North America, which arrived on the coast of Rhode Island on the 10th of July 1780, consisted of a squadron of seven sail of the line, several frigates, and a great number of transports under the command of admiral de Ternay: the fleet had 6000 soldiers on board under the command of count Rochambeau. The disembarkation on Rhode Island and its subsequent conquest caused no delay, because having materially weakened their forces in New York by the expedition to Georgia and the Carolinas, and desiring to concentrate the remainder, the English voluntarily retired from Rhode Island. The appearance of the French army in America is a very important fact, not merely as regards its influence upon the American revolution, but still more its effects in preparing the way for that of France. As to the Americans, there can be no doubt that their subjection to the yoke of England would have been in the end quite impossible, even although they had received no French aid whatsoever, because it could never be imagined by any nation or government, that it was possible, by renewed costly military expeditions to such a distant country, to overcome the continued resistance of such a people, animated by one spirit. As to France, the noblemen who surrounded Lafayette and served under Rochambeau formed the kernel of the champions of the constitutional rights of the French against ministerial absolutism in 1789. We shall refer to the names of some who were engaged in this expedition, a number which we might readily increase, and who at a later period acquired great reputation from their connexion with public events in France. We name those persons especially whom we shall afterwards find associated with the name of Lafayette in the beginning of the year 1789, and who constituted the most distinguished members among the minority of the French nobility, for which reason we shall again have occasion to refer to this list of individuals.

Count Rochambeau, the commander of this auxiliary army, appears at a later period as the leader of the first army which was raised for the defence of the first new constitution of France. In addition to Rochambeau the following French officers went with Lafayette to America: the marquis de Chateluz, count Custine, baron de Viomenil, due de Lauzun, count Rochambeau (son of the commander-in-chief), Charles de Damas, Charles Lameth, Mathieu Dumas (who afterwards wrote the *précis* of the

revolution), Duportail, afterwards minister of war in the French republic, vicomte de Noailles, and Alexander Berthier, who was afterwards chief of Buonaparte's general staff. The son of the old minister of war Ségur was also of the party, a man who was to be met with everywhere from Philadelphia to Petersburg; wherever talking and swaggering procured distinction, there count de Ségur was sure to be found. This courtier afterwards played his part equally well among free men and despotic tyrants. As to the war and the use which was made of the auxiliary army, the English admiral Arbuthnot immediately afterwards received supplies, and his force then became superior to the French squadron. The English expedition for the recovery of Rhode Island however failed, in consequence of a want of union between the admiral and Sir Henry Clinton, who had shortly before arrived again in New York, as well as by an admirably well-timed march undertaken by Washington with the American army. The English troops under Clinton had already set out on their march to Huntingdon, whilst Arbuthnot sailed round Long Island in order to cooperate by sea, when the news arrived that Washington had passed the North River and was approaching Kingsbridge in order to make an attack upon New York in Clinton's absence. This news induced Clinton to return immediately with his troops, upon which Washington, who had thus fully attained his object, returned to his former position without venturing to attack the English. Nothing of any importance was undertaken by the French in the year 1780 in the northern provinces, except the occupation of Rhode Island.

On Clinton's withdrawal (June 5, 1780) the whole of Carolina seemed to be in the power of lord Cornwallis: the population also would have been favourable to him, if some of the officers under his command, and especially lord Rawdon, to whom he had given the command of the division destined to act against North Carolina, had not suffered themselves to be guilty of inhuman cruelties, extortions and wasting. The extension of the English rule in South Carolina and its progress towards the north, had at length drawn the attention of the commander-in-chief of the North American army to this quarter, and the provinces not yet attacked roused themselves for action, and made preparations to put an end to the continuance of this plundering and tyranny on the part of the English. The provinces of North Carolina and Virginia, which were threatened with an attack, brought

their miserable militia into the field, and Washington sent Lafayette's friend, major-general de Kalb, with 2000 regular troops to North Carolina. The consequence of Kalb's appearance was, that the people of South Carolina and Georgia, who had already submitted to the English, again rose in revolt. The congress now appointed general Gates, who had gained great reputation as the victor of Saratoga, to be commander-in-chief of the militia in the south and the troops which were despatched to their support.

General Gates arrived unexpectedly soon in North Carolina, formed a junction with the troops and militia under baron de Kalb, and on the 27th of July 1780 marched from North into South Carolina, where lord Rawdon with the English troops occupied a position near the village of Camden. The advance of this numerous, if not very strong army, under general Gates, caused lord Cornwallis to concentrate as much of his force as possible at Camden, and then to proceed from Charlestown to assume the command in person. On the 10th of August he joined the army, and as early as the 15th the Americans were so completely beaten that scarcely a hundred men of them remained together. The whole of their artillery fell into the hands of the English, and above 1000 of the American troops were left on the field, although the whole of the militia fled at the first fire, and only a single regiment of regular troops belonging to North Carolina stood its ground. Baron de Kalb also fell in this engagement, and the American congress afterwards erected a monument to his memory in Annapolis. General Gates escaped, and was generally blamed because he was not sufficiently well acquainted with the character of his troops, and had imprudently and precipitately run the risk of a battle; he was however afterwards held in estimation as a man, but no longer employed as a general. The number of English which lord Cornwallis led into this engagement has been stated at only 1500 or 1600 men, so that the destiny of what is now a great and powerful republic was in those days determined by a mere handful of troops. It was therefore very easy for the Americans to destroy all the hopes which the English could possibly entertain of the subjection of the southern provinces by a single successful undertaking. This undertaking was the defeat which colonel Ferguson suffered in the mountains and forests of North Carolina. This affair bore the same relation to the American war in the

southern provinces, which the surprise and overthrow of the Hessians at Trenton did to its condition in the northern states.

Colonel Ferguson, with a division consisting of from 1400 to 1500 men, imprudently ventured into the mountainous and wooded country lying in the north of Carolina, where the republicans possessed all the natural advantages of their own fastnesses as well as those resulting from a perfect knowledge of the country. The American militia and mountaineers fled as soon as they were attacked with the bayonet, but immediately afterwards appeared in some new quarter, where they could show their skill as marksmen in shooting from behind trees, hedges and rocks. Ferguson should have been fully aware of these dangers, but he entertained such a thorough contempt for the militia, that he neglected the favourable moment in which he might have again reached the plain, and on the 9th of October found himself encompassed on all sides by parties of the enemy. Some hundreds of his men were killed, among whom however there were few who were really English soldiers: as long as he fought at their head the remainder defended themselves, but he no sooner fell, than the whole of his force of above 800 men were taken prisoners. The loss sustained by lord Cornwallis in the total overthrow and capture of the party under Ferguson at King's Mountain, compelled him to retreat towards South Carolina. The English colonel Tarleton sought and found means of avenging the defeat at King's Mountain, and of making some compensation for the loss there sustained, by surprising the American colonel Sumpter and putting his militia to rout; but he was unable to prevent two other parties from forming a junction with Sumpter and gaining a firm footing in the northern part of South Carolina, whilst a new army was organized by command of the congress in the northern province.

The congress had removed Gates from the command in the southern provinces, and replaced him by general Greene, who was now to enter the lists with lord Cornwallis, strengthened as he was by 3000 men under the command of general Leslie, who had been sent by Sir H. Clinton as a reinforcement. On the 19th of December lord Cornwallis commanded a great portion of these troops to join the division previously under his orders, and then, in connexion with Leslie, marched from Wynneshorough, where he was encamped, on a new expedition against North Carolina. Greene with his militia and badly organized



and disciplined congress-soldiers, called continentals, was by no means equal to this army of regular troops in the field ; he therefore divided his forces, and sent one division, under colonel Morgan, to carry on a war of detail and surprise in South Carolina, whilst he himself followed the same harassing plan on the frontiers of the northern province. Colonel Morgan unfortunately approached too near the English troops at Wynnesborough, of which event lord Cornwallis was eager to take advantage, and despatched colonel Tarleton with a considerable force to oppose him. Morgan rapidly retreated, and Tarleton made precisely the same mistake which had proved fatal to Ferguson, and precisely for the same reason,—because he despised the enemy. Cornwallis as well as Leslie were on the way, in order to assist him in cutting off Morgan's retreat, and then to pursue their march through the northern part of North Carolina, and to take up a position betwixt Greene and the province of Virginia ; Tarleton however far outstripped the main body, and soon came up with the enemy. Tarleton's soldiers had left their baggage and artillery behind under a proper protection, in order to march with greater rapidity, and Morgan no sooner perceived the impossibility of escaping from their pursuit, than he resolved, on the 6th of January 1781, rather to await the attack of his pursuer in a position of his own selection, than to be overtaken at the ford of a river to which he was approaching. Tarleton came up with Morgan, who had taken up a position at a place called the Cowpens, and regarded the complete destruction of the Americans as unavoidable, because they had a river in their rear and the English were far superior to them in cavalry. He therefore attacked the enemy on the 7th of January with his usual impetuosity. The Americans were drawn up in two lines, of which the first immediately gave way ; but the second, which was composed of continentals, offered a vigorous resistance, and Tarleton's cavalry, instead of pursuing their advantage and redoubling their attack upon the second line, which was wavering, turned to the pursuit of the fleeing. The Americans recovered courage and confidence, charged the enemy with vigour, and the English infantry, exhausted by a long and wearisome march through morasses and over uneven ground on the morning of the battle, at length gave way, and almost the whole of the division under Tarleton were killed, routed, or taken prisoners. The number of the prisoners has been stated at 500, but Stedman only reckons the whole loss

of the English on this occasion at 600 men. The number of persons in action in one of these engagements was of very small consequence, the chief point being the mere fame of a victory, or the discredit of a defeat, which, great or small, served to elevate or depress the one party or the other. The cavalry for the most part again rejoined their commander and reached Cornwallis's army, which at the time of the battle of the Cowpens was not more than thirty miles from the scene of action.

Lord Cornwallis was obliged to wait for Leslie till the 18th of January; he then marched towards North Carolina, but first endeavoured to come up with Morgan, and to take revenge for the defeat which Tarleton had suffered. Morgan however had by far too much experience in this description of petty warfare to suffer himself to be overtaken, and especially as general Greene was rapidly advancing to form a junction with him. Inasmuch as almost everything depends upon ease and rapidity of movement in a country traversed by rivers, and often consisting of deep morasses, such as that in which they were now engaged, lord Cornwallis destroyed all the superfluous carriages, provisions and baggage, commencing with his own: by this means no doubt the movements of the troops were greatly facilitated, but afterwards in summer, the army, notwithstanding its victories, was reduced to great difficulties in the field. At the close of the month of January general Greene succeeded in forming a junction with colonel Morgan, and transferred the theatre of war into the northern districts of North Carolina. The American army soon perceived that it was Cornwallis's intention to march to the frontiers of Virginia and to cut them off from this province; they determined therefore quickly to retreat to Virginia, because their army, though strong in numbers, was very weak in its elements and discipline, and by no means in a condition to contend with the admirable troops of the English. Everything at this time depended upon which army should first cross the river Dan, which separates Virginia from North Carolina. Greene having succeeded in leading his troops across the river on the 14th of February, Cornwallis turned back with the English, who had suffered very severely from their long, rapid and severe marches in these desolate countries, and retired from the banks of the Dan to Hillsborough. From this place he endeavoured to rouse the spirit of the royalists, or loyalists as they were called, who were at deadly enmity with the republicans,

and he succeeded in inducing considerable numbers of them to take up arms and assist him against the enemy. General Greene, who had more reason to fear the defection of the province than the enemy, being reinforced by 600 Virginians, again advanced into Carolina, with a view to obstruct or put down this royalist movement, and lord Cornwallis was compelled by want of provisions to relinquish his position at Hillsborough. The English continued to retire, and Greene to advance in the same degree, into the province of Carolina, but carefully avoiding an engagement, being always sensible that he hazarded much by attacking the English with his irregular troops, however superior in number they might be. The arrival however of a new brigade of Virginian militia and of different other divisions from North and South Carolina, as well as of a number of soldiers who had been recruited by the congress for eighteen months' service, increased his force, till finally his numbers amounted to 6000, and he could not but entertain the strongest hopes of victory.

Exaggerated reports raised the number of Greene's army to 10,000 men; Cornwallis, however, never hesitated a moment to accept a battle when the opportunity was given him. This opportunity was afforded on the 14th of March, when Greene took up a position at a place called Guildford court-house. Cornwallis attacked him in this position on the following day, and on this occasion also he gave splendid proofs of the same talents, calmness and resolution, which have gained for him the reputation of being one of the most distinguished generals of his age, although fortune always robbed him of the fruit of his merits in this war. Here also he gained a complete victory, no small share of the glory of which was due to Bose's regiment of Hessians. This time the Americans fought with courage, stood their ground well, and when obliged to retreat retired in good order, and lost very much fewer men than the English, who being only 1500 strong had the glory of driving from the field an army of 6000 men, a glory however for which they were obliged to pay with the loss of one-third of their number. They lost above 500 men; and although Stedman, who was then serving under Cornwallis, approves of his having attacked the Americans, there were others by whom he was severely blamed, because he was neither in a condition to follow up his victory, nor could he find means of supporting, not to speak of refreshing, his men in a country in which he was suffering almost from the horrors of want. He

was obliged to leave even a part of his wounded behind him, in order to deliver his brave soldiers from a death by famine, by endeavouring to reach some place on the coast where he might receive supplies by sea, and this was only to be accomplished by a long, rapid and wearisome march.

Happily for himself, the English general, without having foreseen the circumstances which now actually occurred, had taken up a position in North Carolina, which at the same time secured him free communication with the sea and an unmolested intercourse with South Carolina; from Charlestown he had sent a body of his troops to take possession of Wilmington, which was situated near the mouth of Cape Fear river, and commanded the boundary between the Carolinas. He fortunately arrived at this position on the 7th of April with the enfeebled remnant of his army, but remained only eighteen days, till his soldiers were recovered from their exhaustion and fatigue. Greene immediately took advantage of his retirement, again gained possession of North Carolina, and marched in all haste to the southern province in order to surprise lord Rawdon, who was posted at Camden, before the latter could possibly have received intelligence of lord Cornwallis's retreat. Greene had not at most more than 2000 men (for all the battles in this war were mere skirmishes) when he made his incursion into South Carolina, and therefore lord Rawdon with his 900 men had no difficulty in defending himself within his lines: Greene withdrew to wait for the reinforcements which had been promised; he afterwards twice tried his fortune in the open field against lord Rawdon, but was beaten on both occasions. In this way the English general for a time maintained his position at Camden, but was at length obliged to relinquish it because his army was suffering from want, and the whole of the province had risen up in arms against him. After his retirement from Camden he gained a high reputation for military ability in several engagements with the enemy, but he was universally abhorred on account of the rude and savage cruelties in which he suffered his troops to indulge. He was at last obliged to retire altogether to the peninsula of Charlestown, and to satisfy himself with making predatory incursions from thence into the interior of South Carolina, till towards the conclusion of the summer, when he embarked for Europe. These petty engagements and this system of plunder and devastation in South Carolina had moreover very little influence upon the



issue of the war; on the other hand, the ill-success of Cornwallis's army irrevocably determined the fate of the new republic of the United States of North America, whose independence had been acknowledged by France after the capitulation at Saratoga.

The war in the northern provinces had for some time been carried on with little energy on either side, although both the English and American commanders-in-chief were personally in these provinces, and an army of French had arrived,—an army therefore which was more serviceable for military operations than all the American militia together. There was also an American fleet to support the military operations which might be undertaken by the commanders on land. Clinton however had materially weakened his forces by sending large divisions to carry on the war in the south, and he was afraid of losing New York. The French army remained for some time quietly encamped on Rhode Island, and the French fleet, after a short and indecisive engagement, had evacuated the Chesapeake, and with that the command of the mouth of the Delaware. Just at this time Washington was reduced to great perplexity by the treason of one of his friends and generals. The American general Arnold, who commanded under Washington, suddenly deserted the American and passed over to the English service. He had previously rendered most important services to the new republic, but had afterwards been offended; and at the very moment when the French landed upon Rhode Island and New York was threatened by Washington, he was won over by the English.

General Arnold's services had been so many and important in the commencement of the war, that Washington estimated him very highly, and at the time when the English lay in Philadelphia, his name was universally associated with those of Washington and Gates. Whilst the English remained in Philadelphia they had found many friends and partisans, at which the rest of the Americans were seriously offended, and the English no sooner withdrew from that city, than Arnold was entrusted with a commission that must necessarily have exposed him to hatred, and especially because the citizens of Philadelphia had shown themselves to be very bad patriots. He was not only appointed military commander, but was also for a time entrusted with the civil government and administration of the city, till legal order should be again restored. In the conduct of this administration, he had

not only drawn down upon himself the hatred of the inhabitants, but laid himself open to the charge of oppression and of embezzling the public money, so that the commission of Pennsylvanians which was appointed to examine his accounts rejected the one-half of his demands. He appealed to the congress, it is true; but the committee appointed by this body declared that more had been conceded to him than he could have had any reason to expect. He was also called before a court-martial, but only sentenced to be admonished by the commander-in-chief.

Arnold then retired for some time from the service, but Washington found no one by whom he could be replaced, and therefore he again called him into active service and entrusted him with his full confidence. On the arrival of the French army under Rochambeau (in 1780), Washington conceived the design of employing these troops in a grand attack upon New York, and therefore had marched his army to Watery river; Arnold was his second in command, and took the charge of his duties when he was obliged for a short time to be absent from his post. The plan of attack upon New York failed, because count de Guichen, who, in connexion with De Ternay, was at the head of a squadron far superior to that of admiral Arbuthnot, was obliged again to separate from De Ternay in order to convoy the West India fleet of merchant ships, and New York could not therefore be effectually blockaded. After De Guichen's departure, Washington was obliged to enter into a new agreement with the leaders of the French in Rhode Island, and left his camp for a short time in order to keep an appointment with the French generals at Hartford in Connecticut, a place lying about equally distant from the head-quarters of each party. Arnold, who was stationed at West Point, took advantage of this opportunity in order to execute his treasonable design, which had been long arranged between him and Sir Henry Clinton. Arnold proposed to betray West Point, and with it the command of the whole highlands of the North river into the hands of the English, by which the communication between the northern and southern provinces of the new republic would have been effectually cut off. With a view to facilitate the execution of this plan, the Vulture sloop of war was stationed in the North river at no great distance from West Point; the final arrangements were to be made verbally, as soon as Washington left the camp, between Clinton's adjutant-general and general

Arnold. The conduct of this affair was placed in wrong hands : an arrangement, which was to be carried on with cunning and secrecy, should have been committed to the management of a diplomatist, or to that of some degraded and experienced knave ; whereas major André, who was selected by the British commander for the purpose, was a simple-minded, true and honourable man, wholly unfit to practise the delusion or to exercise the ingenuity which such a mission required. André was put on shore from the *Vulture* in order to arrange affairs with Arnold, and their conference was held without the lines on the bank of the river ; on the evening of the 21st of September, the boatmen refused to convey André back to the sloop, because the vessel had changed her position to a much greater distance from the shore, whilst Arnold and André remained engaged in their conference the whole of the day. The major therefore was obliged to attempt to pass through the enemies' posts to New York, and to run the risk of being seized upon as a spy. He now put off his uniform which he had hitherto worn under his great coat, and which would have secured him against a prosecution as a spy, and obtained a pass from Arnold, in which he was designated by the name of John Anderson, a private man travelling upon business under Arnold's protection. By virtue of this pass he was permitted to pursue his journey, was drawing near to New York, and thought himself quite beyond the range of the American troops, when he was stopped by three simple farmers who belonged to the militia. On this occasion he showed clearly that he was wholly unfit for such a commission as that on which he had been employed. He first awakened their suspicions by some incautious answers ; and then when they examined his person, and found a parcel in his boot in Arnold's hand-writing, which however they did not know to be such, and were unable to read, he led them to see that they had made a very important capture by offering them his watch and purse, and then ample provision for their whole lives if they would bring him in safety to New York.

The papers which were taken from the major furnished proofs enough that Washington, who had returned at the very time in which the news of André's arrest arrived, must quickly change his position if he hoped to save his army. This change was immediately effected ; but general Washington was afterwards severely blamed for having sought to disgrace the valiant major André by the manner of his execution, seeing that he himself had

been in some measure instrumental to Arnold's treachery, by again placing his confidence in a man who had previously shown himself unworthy of trust. A considerable time elapsed before any one could be found qualified to read the papers which had been found upon the major, for the justice of the peace to whom they were shown was not equal to the task; he therefore found means of acquainting Arnold with the fact of his arrest, and at the same time wrote to Washington stating that he was an English adjutant-general; he was nevertheless treated as a spy. Arnold first made his escape to the Vulture and then to New York, but was obliged to leave all his papers behind him. Washington received these papers at the same time as André's letter, forty-eight hours after the major's arrest. A court-martial was immediately appointed, consisting of fourteen officers of distinction, among whom were Lafayette and the baron de Steuben, of whom the latter at that time rendered most important services to the whole American military system. General Greene was appointed president of the court, and the whole of its members were filled with admiration at the manner in which André conducted himself upon his trial. The officers who were appointed to be his judges, however, would not suffer themselves to go beyond the bare facts of the case. He had been found without uniform within the lines, the penalty was hanging, and he must be subjected to this ignominious punishment, as an example to deter others. Every one sympathized with the fate of this valiant man, public opinion was in his favour, Clinton twice sent officers with a flag of truce, entered into a personal correspondence with Washington on the subject, and verbally negotiated through some officers of distinction with Greene; but all in vain. He could not even obtain the concession, which was all he wished, that the unfortunate man should be shot like a soldier and man of honour: he was hanged on the 2nd of October 1780. In England his memory was honoured as that of a martyr for his country, and a public monument was erected to his honour.

Washington kept New York closely beset by land. Clinton, who wished to remove the theatre of war to the southern provinces, and had already partially effected his design by means of lord Cornwallis, now sent general Arnold, who had entered into the English service and had connexions in Virginia, with a division of the army into that province. Lafayette was despatched by Washington to oppose Arnold on the river James, because



the army under Rochambeau had not yet been brought from Rhode Island to the mainland. After a short and indecisive engagement the French admiral had given place to the English, and the latter had become so completely master of the Chesapeake, that not only Washington's plan of cutting off Arnold's division failed, but Clinton was enabled to send him considerable reinforcements, and the English ships maintained complete command of the river James. The few thousand men whom Clinton sent to reinforce Arnold were placed under the command of general Philipps, and he, as major-general and senior in the service, took the command of the whole united force and of the ships in the river. Philipps sailed up the river from the end of March till the end of April, landed troops at various places, penetrated deep into the province, in compliance with his orders destroyed goods, magazines and stores, routed the militia, and then went on board the vessels, and on the 2nd of May returned down the river. Lafayette on land followed the course of the ships and the enemies' force, in order to watch Philipps's movements, but in the meantime lord Cornwallis undertook a very bold march through desolate and hostile districts from another direction to the frontiers of Virginia.

This general, having arrived at Wilmington after a very difficult march through North Carolina, perceived that the climate of this district, as well as the situation and nature of the place, would render a long sojourn there in the highest degree unadvisable; he therefore left lord Rawdon to his fate, because nothing of a decisive character could be effected in the three provinces of Georgia and the Carolinas, and eagerly adopted the view which was opened up to him by Philipps's appearance in Virginia. The course of events in the summer of 1781 proved that he had come to a sound conclusion, for first, Augusta, the capital of the state, and afterwards the whole province, again fell into the hands of the Americans. Lord Rawdon, it is true, at first defended himself well against Greene, but he would have been equally obliged at a later period to march to the sea, and shut himself up in Charlestown, even although lord Cornwallis had remained. Cornwallis's resolution to march directly across North Carolina, to form a junction with Philipps's division, to take the command of their united forces, and then to proceed to open up a communication with Clinton, was one of the boldest projects adopted during the war. He only remained eighteen

days in Wilmington to refresh and recruit the strength of his army after the privations to which they had been subjected, and the fatigues of the march from the battle-field at Guildford courthouse to Wilmington; on the 24th of April 1781 he commenced his new march. He had here a long distance and great difficulties to contend with before he could join Philipps's division; and although he had nothing to fear from the arms of the Americans except petty provocations, yet the whole country was hostile, and the difficulty of getting supplies in these circumstances was very great.

When Cornwallis was approaching the frontiers of Virginia, Philipps, after having fully accomplished his undertaking in the upper districts lying on the banks of James river and sailed down the stream, had not yet relanded his troops, and Cornwallis's messenger found the army on board on the 7th of May. Cornwallis commanded Philipps so to arrange his movements as to form a junction with him in Petersburg. This was the chief town of the district; but Cornwallis was now at Halifax on the Roanoke, some sixty or seventy miles distant from Petersburg. Philipps landed his army at two places, in order to reach the appointed rendezvous by two different routes, whilst Lafayette, who had been watching his movements and perceived his plan, endeavoured by forced marches to prevent and obstruct his progress and to anticipate his arrival, but, notwithstanding his exertions, he failed of success; Philipps took possession of Petersburg before his arrival. Cornwallis's plan was also in some degree frustrated, for he had hoped to place Lafayette in a dangerous position on the James river, and perhaps to capture "the boy," as he somewhat boastingly called him; but the marquis proved skilful enough to extricate himself from the snare, and took up a secure position between Richmond and Wilton. When Cornwallis arrived at Petersburg to take the command of the two divisions, he found that the brave general Philipps was no more, a violent putrid fever had carried him off in a few days; and general Arnold, who had been his second in command, had again assumed the command of the troops, which Cornwallis now united with his own.

Shortly before, Cornwallis had also been reinforced by two British regiments and two battalions of Anspach troops, which Clinton had sent to him from New York, and as early as the 24th of May he followed Lafayette across the river, because he

was desirous of reducing the whole district between the rivers York and James, in order to be sure of the support of his countrymen from the sea and at the same time from both the rivers. Lafayette at that time was not strong enough to venture upon an engagement with the British force, which was superior to his own; he therefore retired with rapidity, and shortly afterwards was reinforced by the Pennsylvanian army under general Wayne. He was also in expectation of the arrival of general Greene, whose services were no longer necessary in the north, and therefore immediately advanced. Every one now perceived, that after long skirmishing the cause of the new republic must be really decided in Virginia. Washington was of this opinion, and Clinton alone was slow in his operations and unconscious of the importance of these movements. Lafayette and Wayne again crossed the James river and followed the English to Williamsburg; they were here joined by baron von Steuben with the militia and the mercenary troops engaged for eighteen months, which had been organized and disciplined by this general; he had previously frustrated Cornwallis's plan of routing or destroying his troops. Von Steuben occupied a position at the fork of the river, and colonel Simcoe was ordered to fall upon him by surprise and carry off the magazines; but when the colonel arrived at his destination, he found that not only the magazines, but the soldiers also had been removed to the further side of the river.

With all the troops under his command, lord Cornwallis now found himself scarcely equal to the American army which was pressing forward against him, although the affairs of the new republic were in a most unfavourable condition, as may be seen from Stedman's report, to which we refer\*. Clinton, having been in a most incomprehensible manner deceived by Washington, weakened Cornwallis's army, on whose success everything now depended, by withdrawing troops to strengthen his own, and at the same time offended the only truly distinguished general who had held any important command during the whole of this war. Washington had now formed the resolution of completely putting an end to the war in Virginia, and by one decisive blow annihilating both the army and its general: this he afterwards accomplished: for this purpose he needed the co-operation of the French fleet and of Rochambeau's army, which was still in

\* See Stedman.

its quarters on Rhode Island; and above all, it was necessary to deceive Clinton as to the point on which he meant to fall with his whole force, and to alarm his mind for the fate of New York: he had long taken all his measures for carrying out his plans. The congress, Washington, Franklin, Lafayette, and other favourers of the American cause, had at length succeeded in inducing the government to remove De Ternay, who was always hesitating, from the command of the French fleet at Rhode Island, and to appoint admiral Barras in his stead, and to convey special orders to Rochambeau, that he was to proceed to the mainland and co-operate in the general operations of the war. This was no sooner effected than Washington held a new conference with the French admiral and general in Connecticut. The real plan remained a deep secret, but a report was carefully spread that they meant to renew the project which had proved abortive during the last year and execute their designs against New York, and that Rochambeau's troops and the fleet were to co-operate in the attack. The meeting was held on the 21st of May 1781, and immediately afterwards Washington wrote all his letters and orders which appeared to refer to the attack upon New York. He required the number of his army to be made complete, and called upon the New England states to have 6000 men ready to march, to reinforce him, whenever he should require their presence. The packet containing these letters was sent through the Jerseys, where, as it had been foreseen, it fell into the hands of the enemy, and served materially to strengthen Clinton in his opinion, that an attack upon him was the chief object of the enemy. This led him to recall Cornwallis from an expedition by which the war would most probably have been brought to a very different termination from that to which it was afterwards really brought.

Lord Cornwallis, at his quarters in Williamsburg, most unexpectedly received a letter from Sir Henry Clinton, in which he was commanded immediately to despatch a portion of his army to New York, in case he was not at the moment engaged in some very important undertaking, or, as Clinton very much wished, did not intend to transfer the scene of war to the Upper Chesapeake or the Susquehanna. Cornwallis was very much vexed and annoyed at this request, but made the necessary preparations for sending away a division of the troops according to Clinton's orders; at the same time he begged the general-in-



chief to send him orders as to the fortification of some place in Virginia, where in all cases he might be able to defend himself with the few troops which would be then at his disposal. He was now obliged to retire across the river, in order to draw nearer to the sea, and Lafayette followed close upon the retreat of the enemy. On the 6th of July he believed that the main body of the army had crossed the ford, which forms a passage to the island on which Jamestown is situated, and that the rear-guard alone was on his side of the ford; general Wayne therefore, with the van of the Americans, did not hesitate a moment to make an attack, but, contrary to his expectation, he found the whole army. He attacked boldly in order to conceal his mistake, and after a very unequal engagement the Americans were completely defeated at Jamestown. In the rapidity of their flight they were obliged to wade through morasses to save themselves from complete destruction, to leave their cannon in the sloughs, and would have been notwithstanding completely scattered if darkness had not put an end to the pursuit, the battle having only commenced in the afternoon. Before Cornwallis sent away the troops which Clinton had ordered to proceed to New York, the commander-in-chief changed his mind, and suffered the troops which had been embarked to be again put on shore. Cornwallis was now directed to fortify Gloucester and Yorktown, in order to have full command of the narrow strip of land which forms a peninsula between the rivers York and James.

During the whole month of July Washington contrived to keep Clinton under the impression that the Americans and French meant to make an attack upon New York, and had their attention exclusively directed to him. He caused the troops under Rochambeau to be conveyed from Rhode Island to the mainland, collected his own forces together, formed a junction with the French army on the White Plains, and from the 23rd of June till August continued to make a variety of threatening, but by no means serious movements against New York and the force under general Clinton. He delayed his serious attack so long, because he was in expectation of the arrival of a French fleet under count de Grasse. He could then have entertained no serious idea of an attack upon New York, for count de Grasse, when he arrived on the coast in the middle of August, declared that in the end of the month he would run into the

mouth of the Chesapeake with his fleet, but was not able to remain long on the American coast. It was therefore a great object with Washington so to deceive Clinton by feints, that the united French and American army might pass the North river, proceed to the south by rapid marches, and take the field against Cornwallis, before Clinton should be aware that all intention of attacking New York was relinquished.

These feints were attended with the most complete success ; Washington put his army in motion, passed the Croton on the 19th of August, and immediately afterwards crossed the North river ; on the 3rd and 4th of September he not only marched through Philadelphia, but a most unexpected event furnished him with the means of transport across the Chesapeake, where he would have been obliged to make a halt on the 5th of September in the greatest difficulty for boats to convey his troops across the bay. On the same day on which Washington arrived at the Chesapeake, an engagement had taken place between the English and French fleets, which was so far successful as to enable De Grasse, without further annoyance, to convey Washington's troops to their destination. Rodney, who was at that time commander-in-chief on the West India station, had heard that De Grasse had sailed for the coast of America, whereupon he immediately despatched admiral Hood, with fourteen sail of the line, to join the squadron before New York, and with their united force to attack the French fleet. Hood appeared on the coast on the 23rd of August, but first sailed to New York, where Arbuthnot had resigned the command of the fleet, of which only five sail were ready for sea, to admiral Graves, who as the senior officer now took command of the whole. None of the admirals, Hood, Graves, or Drake, knew that De Grasse had already entered the Chesapeake on the 31st of August, and had twenty-eight ships of the line under his command. The English, moreover, hoped to fall in with Barras, who had sailed with his fleet from Rhode Island, and to prevent his junction with De Grasse. The French admiral had 3300 land-troops on board ; he was immediately informed of the state of affairs by an officer whom Lafayette had sent to the coast to await his arrival, proceeded to bar all communications by the York river on which Cornwallis and his army depended, despatched the troops which he had on board up the river James, and having sent four ships of the line and some frigates on this service, with the rest of his fleet awaited

the attack of the English, which took place on the 5th of September.

In this engagement, which took place off the mouth of the Chesapeake, Graves commanded the van and Drake the rear of the English fleet; and both fleets were so seriously injured in this indecisive battle, that Graves was unable to renew the attack on the 6th, because his captains assured him that their ships were not in a condition to venture upon a further engagement. The fleets remained for five days in the presence of each other, and neither party ventured to renew the attack or commence an engagement. De Grasse had no reason for compelling the English to engage, because they must necessarily withdraw to refit their ships, and he remained master of the Chesapeake, where Barras also arrived with his fleet on the 10th from Rhode Island. This fleet brought with it fourteen transports, a quantity of heavy artillery, and everything which was necessary for the annihilation of the force under Cornwallis. The united army of North Americans and French halted till the 25th of September at the mouth of the Elk, which discharges itself into the Chesapeake at the head of the bay; on this day it was conveyed across the river in French transports and landed near Williamsburg. And the scenes of Saratoga were renewed, with this difference, that no one either admired or lamented Burgoyne, whilst Cornwallis, on the contrary, who with his troops did and suffered, for four weeks long, all that it was possible for men to do, and what was almost incredible, was universally admired and lamented, because his heroic efforts and services ended in a capitulation. Clinton on this occasion was as indolent and remiss as he had previously been in the case of Burgoyne.

The French army alone was at that time above 8000 strong; Lafayette, St. Simon, and general Wayne had also numerous bands under their command; Washington had brought the marrow of his troops; the French ships of war were lying in the rivers and on the coast; Cornwallis was therefore soon cut off from all supplies, and all his magazines and stores were rapidly exhausted. From the 25th of September the English army was closely blockaded in Yorktown, and the town itself possessed only such fortifications as were raised for the necessity of the occasion. So able a general as Cornwallis unquestionably would not have remained in Yorktown, but have cut his way through the ranks of the enemy, had not Clinton promised in-

fallibly to come to his relief with the army under his command by the 5th of October. The regular siege commenced on that very day; on the 9th the batteries were opened; on the 17th Cornwallis was obliged to offer terms of capitulation; and on the very day on which Clinton embarked at New York with 7000 men, York and Gloucester were surrendered by Cornwallis. It was not however absolutely Clinton's fault that the embarkation was delayed till the 19th, as he was detained by the necessity of refitting the ships. Cornwallis did not capitulate till he had been completely cut off from all communication with the sea, by the loss of two redoubts on the river, which were taken by storm on the 14th of October. He therefore wrote to Clinton that his arrival now could scarcely be of any service even if he were able to hold out till he came. That however he was unable to do, for Clinton did not arrive till the 24th of October, and immediately returned to New York, when he found that Cornwallis and his army were prisoners of war. York and Gloucester having been surrendered, Cornwallis and his officers were allowed to return upon parole to England, the army were made prisoners. The troops amounted to between 5000 and 6000 men, of whom only 4000 were fit for service; in addition, about 1500 sailors fell into the hands of the enemy. The apparent loss was not very great, but the two capitulations of Saratoga and Yorktown decided the issue of the war and the destiny of the republic, then almost beginning to despair of its hopes; for even lord North and the ministry now fully gave up all expectations of the possibility of reducing the colonies to obedience\*.

On this occasion the Americans obtained an admirable train of artillery, arms and munitions of war. The French made prizes of a frigate, two sloops of war of twenty guns each, transports and other ships. The *Charon* of twenty-four guns and another vessel of war were destroyed during the siege by the bombs of the besiegers.

\* This appears from the course of events in parliament and the negotiations with America, as well as from the history itself; lord North, as is well known, only lost his self-possession once during his life, and that was when lord George Germaine brought him the intelligence of the capitulation of Yorktown. Wraxall states, that lord George Germaine himself told him, that lord North, on the receipt of this news, spread out his arms, and cried out, "God! it is all over!" repeating the exclamation as he walked up and down the room in a state of the greatest agitation.



## FOURTH PERIOD OF THE EIGHTEENTH CENTURY.

FROM THE REVOLT OF THE NORTH AMERICAN PRO-  
VINCES FROM ENGLAND TILL 1788.

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### CHAPTER I.

THE WAR WITH NORTH AMERICA TILL THE MINISTRY OF  
THE YOUNGER PITT IN 1784.

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#### § I.

ENGLAND, FRANCE AND SPAIN TILL THE ARMED NEU-  
TRALITY.

WHILST the fate of the war upon the continent of America was irrevocably decided by the unfortunate termination of the proceedings of the English in the southern provinces of the United States, internal troubles continued in England itself, because the North cabinet had public opinion against it. With respect to the war itself, it cannot be denied, that not only the majority in parliament, but also all Englishmen of the old school were in favour of the employment of coercive measures against the Americans, or of war, because they regarded the Americans as rebels. The minority, it is true, which was favourable to the Americans, and which consisted of some of the cleverest and most distinguished men of the time, by degrees obtained influence with the people; but this can only be explained by the fact, that the haughtiness and pride of the English, who had been till then accustomed only to victory and success, received so many humiliations in the course of the war itself.

In the year 1776 the ministers brought in a bill, the object of which was to recommend carrying on the war with America by the aid of German mercenaries, and to raise large sums of money for the use of the royal family, and of the several German princes whose troops it was necessary to employ; this bill was carried by such a large majority that the opposition for some

time entirely quitted the field. When the opponents of the ministry perceived that nothing was to be gained by protesting, they attempted to rouse the attention of the people by means of the fact, that very considerable sums had been voted to the crown without any debate and in a very thin house. It was on this occasion that lord Chatham, although very ill, appeared in the house of lords supported on crutches, and directed his eloquence in vain against the ministry; and neither Rockingham's relations and friends among the peers, nor the oratorical powers of such men as Fox and Burke in the house of commons, could give a preponderance to the rights of reason, which were then defended by Burke also, over prescriptive rights.

The ministers thought they could calculate with so much certainty on the feelings and opinions of all those who were of any importance in England, that they even ventured to employ language such as could only have been expected from continental princes, or from the aristocracy of Venice or Berne\*. With respect to America and the doctrines and principles there propounded, the ministers declared that it was the duty of the English, who were well-satisfied with the old system, to uphold it among others also, or according to the words which they put into the mouth of the king, that their cause was the cause of all old governments. They make the king sing the song, which is the customary note at all continental congresses, that if that, which they called treason in the Americans, be suffered to take root, from this root much evil must spring to the whole system of government then prevailing in Europe. The ministry therefore availed themselves of the moment when the affairs of the English in America wore a favourable aspect, and the attack on Canada had failed, when Washington had been driven out of Philadelphia, and Burgoyne was advancing from the lakes upon New York, to attend to the private affairs of the king. They demanded fresh sums of money for the royal family, although the English people had long since complained that the North cabinet and the king always sought to please one another at the

\* "So daring and desperate (we quote from the king's speech to parliament) is the spirit of the American leaders, whose object has only been dominion and power, that they have now openly renounced all allegiance to the crown, and all political connexion with this country. They have rejected, with circumstances of indignity and insult, the means of conciliation held out to them, and have presumed to set up their rebellious confederacies as independent states."

expense of the public. It was universally perceived that a worse moment than the present could not have been chosen to increase the civil list, and notwithstanding, in April 1777 the parliament not only voted a sum of £625,000, under the pretence of paying the king's debts, who, as well as his wife, was rather liable to the reproach of excessive frugality than of any tendency to extravagance, but also raised the yearly income of the crown from 800,000*l.* to 900,000*l.* This was so unsatisfactory, even to the firm adherents of the ministry, that the speaker of the house of commons, who was among the number, when, according to custom, he brought up the bill from the lower house, which alone has the right of deciding upon all questions relating to money, to the house of lords, took occasion very impressively to remind the king of the impropriety of requesting money from the nation under such circumstances\*.

A ministry in England, which is as certain of the adherence of the higher ranks as that of North was, may take its own course undisturbed, provided only it remains consistent; and this that ministry certainly proved itself, by immediately afterwards granting an enormous sum to the landgrave of Hesse Cassel. He at first received half a million of florins for recruiting, although this had not been even mentioned in the subsidy-treaty of 1775, because the money which had been paid under this name in 1775 had been made up to him in another way. Besides this sum, which was evidently merely a present, he obtained another half-million for the expense of the hospitals in the seven years' war, although a former parliament had rejected this demand at the end of the war as wholly unsupported. In the month of April of the following year (1778) the royal family was again richly remembered, exactly at the time when a war with France had become inevitable; large sums from the pockets of the people were voted by parliament to the younger branches of the royal family and to the duke of Gloucester.

Parliament had been again opened in November 1777, and in December, lord North, who on that occasion shed those tears

\* "In a time," said he, "of public distress, full of difficulty and danger, their constituents labouring under burdens almost too heavy to be borne, your faithful commons, postponing all other business, have not only granted to your majesty a large present supply, but also a very great additional income, great beyond example, great beyond your majesty's highest expense; but all this, sire, they have done, in the well-grounded confidence that you will apply wisely what they have granted liberally."

which have been called his *iron* tears, found himself compelled to announce to parliament the treaty of Saratoga, and to assume the appearance of wishing for a reconciliation. Lord Chatham in the house of lords, Fox, Burke, and colonel Barré in the house of commons, produced such an effect by their eloquence, that to the astonishment of all, the minister, in whom every one knew the Americans would never place confidence, brought a conciliatory bill into parliament in the beginning of the following year (1778). The bill was treated with contempt by the opposition, but they offered no obstacle to its progress; an embassy was sent to America to mediate a peace; but as Fox had predicted, the terms proposed were rejected with disdain, because the scheme by which it was proposed to break off the connexion between France and America was too easily seen through to prove successful. In addition to this, a treaty had been concluded between America and France before the arrival of the English ambassadors, and the English ministry were long before acquainted with the fact, but endeavoured as long as possible to conceal this new blow from parliament. In consequence of this desire, no preparations were made in England for the war, for which France had been preparing for two years, till France was on the point of commencing hostilities.

The French minister in London, in a note of the 13th of March 1778, not only announced the conclusion of a treaty between France and the infant republic, but required that no opposition should be made on the part of England to a free intercourse between France and America. This note was laid before parliament on the 17th of March, the minister recalled from Paris, and preparations were at last begun for the approaching war. The speeches delivered in parliament after November 1777 on the subject of the new political principles are indubitably more important for the whole history of Europe than the first events of the war, for these speeches were most industriously circulated in France and in the whole of Europe; and if the duke of Newcastle and the marquis of Rockingham spoke in the upper house in favour of party interests, this was by no means the case with the earl of Chatham, nor with Fox, Burke, Barré, and other members of the house of commons. Lord Chatham in particular attacked the ministers with an unbounded vehemence; he died however in May 1778, after having fallen senseless in the house itself in the month of April preceding, in consequence of



a violent exertion of his strength, which had been completely shaken by long and severe indisposition\*.

The French, which at other times was seldom the case, had made much better preparations for a naval war than the English; for their fleet in Brest was strong enough to cope with the English, when the latter appeared off the coast of Brittany. The French Toulon fleet had long before sailed to America under D'Estaing, and had arrived there before the English fleet under Byron. Admiral Keppel most unwillingly took the command of the English ships destined against Brest. He had already served forty years in the navy and acquired fame, but put no trust in a ministry accustomed to bestow every office upon some of their friends, clients or relations, and not particularly well-disposed towards himself. It was, to say the least, extraordinary, that when Keppel sailed in June 1778, he received no definite commands to commence hostilities, though the French had laid an embargo on English ships since the 18th of March, and the English subsequently on those of the French: this was the result of a piece of petty cunning on the part of the ministry, who wished to throw all the responsibility of an engagement upon the admiral. Keppel was in the meantime obliged to begin the war by an engagement with the French frigate *Belle Poule* on the 17th of June; he could not however capture the frigate, but succeeded in taking some smaller transport-ships. When Keppel discovered the strength of the enemy's fleet, he did not consider it advisable, with twenty-two ships of the line and three frigates, to attack a fleet of thirty-two ships of the line and ten or twelve frigates, and returned to Portsmouth in order to obtain reinforcements.

Under the existing circumstances, Keppel's return to England

\* He died on the 11th of May at his country-house, at Hayes in Kent: the scene in the house of lords however took place on the 7th of April, and is so remarkable, that we here quote the words of an eye-witness, lord Camden: he says, "I saw him in the prince's chamber before he went into the house, and conversed a little with him; but such was the feeble state of his body, and indeed the distempered agitation of his mind, that I did forebode his strength would certainly fail him before he had finished his speech. The earl spoke, but was not like himself. His speech faltered, his sentences broken, and his mind not master of itself. His words were shreds of unconnected eloquence and flashes of the same fire that he, Prometheus-like, had stolen from heaven, and were then returning to the place from whence they were taken. He fell back upon his seat, and was to all appearance in the pangs of death. This threw the whole house into confusion. Many crowded about the earl; even those who might have felt a secret pleasure at the accident, yet put on the appearance of distress, except only the earl of Mansfield, who sat still, almost as much unmoved as the senseless body itself."

without having attacked the enemy, and the escape of the *Belle Poule* by running ashore, made an impression very unfavourable to the ministry and to the admiral. The ministry gave it clearly to be understood that they would throw all the blame upon the admiral. The latter in the meantime had quietly got together a reinforcement and again sailed: on the 23rd of July he fell in with the French fleet, commanded by admirals D'Orvilliers and Guichen, off Ouessant. The two fleets were about equal in numbers; the French however wished to avoid a battle, and could not be forced into action till the 27th. Both fleets were severely injured in the engagement; both returned to their harbours without any decisive advantage on either side; both nations complained loudly and bitterly of the conduct of their admirals; and in England the first and second in command accused each other of negligence.

The loudly-expressed displeasure of the French at the issue of the engagement off Ouessant produced important consequences in the revolution, inasmuch as the duke of Orleans, then duke of Chartres, accused the court of having sacrificed him to this displeasure. This prince, at that time young, handsome, and very wild in his mode of life, continually surrounded by voluptuaries of every grade, and seeking his amusements among the common people (for which reason also he was excessively beloved by them), was particularly disagreeable to the queen, from his cynical disposition and riotous manner of living, and the queen unfortunately had to do with everything. He was accused, whether justly or not we shall not decide, of ruining by his wild life the health and character of all the young noblemen who continually associated with him, and who had not received from nature a constitution like his own. Among the victims whom Philippe Egalité was said to have sacrificed to his licentious mode of life was his brother-in-law, the young prince de Lamballe, then only sixteen months married to Maria Theresa Louisa of Savoy-Carignan, who was celebrated for her beauty and amiable disposition. This princess was the most intimate friend of the queen, therefore, like Madame Polignac, envied by the whole court, and for the same reason also probably so cruelly murdered at the storming of the Tuileries.

The death of the prince de Lamballe was ascribed to the duke of Chartres as an indirect murder, because this prince, even then extremely avaricious and miserly, had married the

sister of the prince, the daughter of the duc de Penthièvres, and after the death of his brother-in-law inherited the immense property of the duke, by means of which his family became the richest in all Europe. With the property of his father-in-law the duke of Chartres wished also to inherit the office of grand-admiral of France, which the duc de Penthièvres then filled : he therefore entered the naval service, passed through all the ranks, as princes generally do, remaining nearly the whole time in Paris, and was now to be present at an engagement. When therefore D'Orvilliers was about to sail, he travelled quickly to Brest, accompanied by some of his gay Paris companions, in order to be named in the papers as one of the commanders of the fleet ; and the fleet was divided into three squadrons, one of which he was to command. The first was commanded by D'Orvilliers and Guichen, the second by count Duchauffault and M. de Rochechouart, the third nominally by the duc de Chartres, in reality however by M. de Grasse and admiral La Motte Piquet, who was apparently merely captain of the Saint Esprit, on board of which the duke was. This ship in particular came into the heat of the battle, because D'Orvilliers was obliged to alter his arrangements, and to place the third division in the van. The gay Parisian companions of the duke manifested a ridiculous cowardice during the engagement, and the duke himself was accused of having shown fear ; at any rate the report was universally believed that D'Orvilliers' signals had been intentionally misunderstood, in order that the duke might be brought back to Brest. The duke of Chartres was afterwards entirely estranged from the queen, because it was ascribed to her influence that the count d'Artois, who was then of her more intimate acquaintance, received the post of grand-admiral, and that the duke was removed from the sea-service in a manner not very honourable to him, by the creation expressly for him of the entirely new rank of colonel-general of hussars.

When the French fleet again sailed in October, Keppel was a second time unable to bring them to a decisive battle ; the English ministry therefore sought to throw the blame of the indecisive engagement off Ouessant on the commanders, and these in their turn accused each other. Sir Hugh Palliser, as admiral of the blue, had commanded the third division of Keppel's fleet off Ouessant : he was himself one of the lords of the admiralty under lord Sandwich, and had the audacity to bring a formal

accusation against Keppel. The accusation was received, and the admiralty summoned Keppel before a regular court-martial in January 1779. This trial irritated the whole nation anew, but particularly the naval officers, against the admiralty, and the ministry in general. Keppel was acquitted in the most honourable manner. Sir Hugh Palliser, on the other hand, whom Keppel had proved to have acted in a manner worthy of blame, felt himself compelled some time afterwards to lay down all his offices. Public opinion at this time was so much against the ministry (since circumstances entirely accidental were also made matter of blame against them), that twelve admirals conjointly openly complained of their conduct.

The English people were vexed at not having, as they usually had done, gained decided advantages in all seas, immediately after the breaking out of the war, and among the accidents which they attributed to the king and his ministers, it particularly deserves notice that D'Estaing appeared off Rhode Island sooner than Byron could follow him. We reckon also in this number Hotham's being detained in North America, because Byron's ships were so scattered by wind and tempest that Hotham was obliged to remain and act against D'Estaing, until Byron had collected and repaired his ships. During this time, the marquis de Bouillé, then governor of Martinique, took from the English the island of Dominica: the loss of this island was however afterwards avenged by Hotham, when he was at last enabled to follow D'Estaing to the West Indies in December 1778, by the capture of St. Lucia. Neither the courageous opposition and the honourable battles of admiral Barrington, who defended St. Lucia against the French fleet under D'Estaing, nor the news of the entire dispersion of the French East Indian fleet off the coast of Coromandel and of the capture of Pondicherry, were able to reconcile the most renowned naval officers with the admiralty. The most celebrated admirals refused to accept of any command as long as lord Sandwich remained at the head of the marine of Great Britain, and D'Estaing was entirely successful in his expedition against Georgia, which we have already mentioned in the preceding period, after having previously captured the islands of St. Vincent and Grenada. He lost, it is true, the fame which this expedition had gained him by his foolish attempt upon Savannah; but in the year 1779 a new enemy to England appeared in the person of Spain, which was particularly to be feared, because king



Charles III. had raised the Spanish naval force almost to an equality with that of the French.

Charles III. of Spain had quite a different opinion of North America and of republican ideas from Louis XVI., his ministers, and his court, whom Franklin enchanted and Lafayette roused to enthusiasm. Charles and his minister, Florida Blanca, declared at the beginning that they should remain true to their union with England, if it were only on account of the monarchical principles upheld by that country. Even when the French had united themselves to the new republic by a formal treaty, Charles III. altogether refused to concur, and sent back the deputy of the congress and colleague of Franklin from Burgos, without allowing him to enter Madrid. Even in March 1778, the king of Spain would not take part in a treaty with America, and in hostile measures against England: this is clear from his answer to two autograph letters of Louis XVI.\*: the French and his own ministers, however, knew well how to take advantage of his weak point. He was made to believe that it was his duty to act as mediator, however little he was suited for this office on account of his family relations to France; and he sent an ambassador to England specially to offer himself as such. It was clear, however, at first sight, that the proposals made by lord North were such as France could not accept. From this moment Charles was gained for the war, for which his ministers had long been preparing: he signified this to the French cabinet on the 13th of April 1779; but it was not till the 26th of June that the marquis of Almodavar handed to the English cabinet a manifesto, in which they were charged with having intended to attack the Philippine Islands, and even Cadiz. The declaration of war immediately followed.

No period in the whole course of the eighteenth century was more dangerous than the present to the naval power of the English: a numerous fleet lay off Ferrol, and another in Cadiz, which were to unite with D'Orvilliers' fleet as soon as it should sail from Brest. The French had attempted the capture of Jersey as early as May, and although admiral Arbuthnot had rescued it, the departure of his fleet, which was to have taken out provisions and reinforcements to Clinton's army, was so

\* King Louis' letters, one of the 8th of January, the other of the 10th of March, 1778, as well as Charles III.'s answer, are to be found in Flassan, vol. vii. p. 177 *et seq.*

much delayed, that it did not arrive at its destination till August. The French had intended as early as June, after the junction of the French and Spanish fleets, to attack the English on their own coasts, and to endeavour to effect a landing. The English, as well as the French, allow that upon the dispersion of their fleets the danger of England was very great, and that greater evils were only averted by D'Orvilliers' ignorance of the real state of affairs, and by his not possessing that kind of daring which ventures much to gain all. Admiral Hardy was stationed off Brest, but he did not observe the sailing of D'Orvilliers' fleet, and the latter therefore was enabled to effect his junction with the Spaniards in safety. The united fleet, numbering between sixty and seventy sail, appeared towards the end of June in the Channel, or the narrow sea between France and England. This fleet had sailed past admiral Hardy, who with thirty-eight ships was in the Mediterranean, without his having seen them.

The united fleet appeared on the 15th of August before Plymouth, and it was universally believed that the immense docks and arsenals of the English on their southern coasts would be destroyed; fortunately for them however, a difference of opinion respecting the course to be pursued arose between the French and Spanish admirals. The Spaniard wished to land immediately; D'Orvilliers first to seek out and attack the English fleet; and thus finally neither plan was adopted. A sort of procession, however, very humbling to the English, proud as they are of their naval power, was made along their southern coast, and a ship of war of 64 guns was taken: notwithstanding this, however, the admirals of the combined fleet could not prevent admiral Hardy from taking up a position in a narrow inlet from whence he could defend the coast, and where they could not attack him. We shall hereafter see that the English in the following year were more fortunate at sea: on the other hand, in this following year they nearly became the prey of an excited mob, acting under the influence of a madman and fanatic. The English and Scotch had raised this commotion, because they were much further behind their times than king George III. and his ministers; the Irish, on the other hand, by a threatened revolution, compelled the king and the ministers to advance with the times, although against their will. The English government had been obliged to arm the militia of Ireland, which at this time possessed its own government and parliament, partly on account

of the war in North America, and partly on account of the threatened invasion of the French; and this opportunity was improved by the Irish, till then oppressed, to force by threats the concession of that which they had never been able to obtain by demands, however reasonable their demands had been.

The tumults in England and Scotland had no political origin, but were excited by the brother of the duke of Gordon: they furnish a clear proof of the danger to which fanaticism can lead, since they were directed against the only distinguished mark of toleration and mildness which the present parliament, ever ready to assist oppression, had given. Lord George Saville had proposed a bill towards the conclusion of the parliamentary session of 1778, according to which certain cruel and intolerant provisions of an act passed in the 10th year of king William III. ("An Act for preventing the further growth of Popery,") should be alleviated, if not entirely done away with. Lord Saville said expressly in his speech, that he wished to rescue the honour of protestantism by means of his bill, inasmuch as the great principle of the Reformation,—full liberty of conscience and abolition of all religious persecution,—could not be established till such a bill was passed into a law. The penalties, he added, the repeal of which he required, dishonoured not only religion but human nature, for they were to a certain extent calculated to break asunder all the bonds of society, to poison the springs of domestic felicity, and to destroy every principle of honour\*. The speech and the bill were received with unanimous approbation by all the members of parliament, both ministerial and opposition, and this not only in the lower house but also in the house of lords, not even excepting the bishops. Even then however the puritanism and fanaticism of Scotland were feared, and the abolition of these intolerant laws was at first to apply only to England and Ireland, and not to Scotland. In the next session however it was to be extended to Scotland, and in accordance with the requirements of the pietistical kirk, it was the duty of the Scotch clergy to oppose it. They found it advisable however not to make them-

\* The clauses here referred to are these: 1. a catholic priest or a jesuit, who performs the divine services of his church on English ground, is guilty of felony; 2. an estate descends to the next protestant heir, if the roman catholic possessor is educated abroad; 3. the son or nearest relation of the possessor of an estate or manor, being a protestant, may take possession of the inheritance of the father during the life of the latter; no papist can legally come into possession of any property by purchase.

selves the instruments of this commotion : the fanatics therefore stirred up the dregs of the old puritanism in Scotland, among a people who had been inclined to mysticism and obscurity of thought since the time of Fingal.

The scenes which occurred when Charles I. wished to introduce the English hierarchy, liturgy and clerical dress into Scotland seemed about to be renewed, and as in 1640, the words "No Popery" served as the signal-cry from village to village. At first in Scotland, and afterwards in England, associations were formed : in Glasgow and Edinburgh several very numerous public meetings were held, and in these meetings resolutions were passed, that the old penalties against the catholics ought to be retained in force. The meetings in Edinburgh and Glasgow chose for their president the only person of any note who would have allowed his name to be used for such a purpose,—lord George Gordon, brother of the duke of Gordon, and at the same time a member of the lower house. This person, who also immediately founded similar associations in England, brought them into communication with those in Scotland, and even in parliament could talk of nothing else, had even then attracted attention by his dress and his extraordinary behaviour. He had clearly shown by his conduct in the house that he was deranged, and its members manifested too much forbearance towards this offshoot of aristocracy. He made the most ridiculous proposals, disturbed all consultations by absurd observations and remarks, complained incessantly of the threatened extension of popery in England, allowed himself to use the most disgraceful language against the ministry, and to make all sorts of accusations against them, in order to excite and rouse up the common people. All this was done too just at a time when every one was discontented, when the French and Spanish fleets had appeared on the English coasts, when the American cruisers had captured several ships, and the Scotch were about to take up arms in order to prevent the enemy from landing on their coasts\*. Such a man was exactly suited to be the leader of an infatuated mob.

\* The English shipping and the Scotch and Irish coasts suffered very much at this time from American privateers, and Paul Jones had been particularly severe upon Dumfriesshire ; the inhabitants had therefore, through the duke of Queensbury, requested permission from government to arm themselves, and the secretary-at-war had answered their petition rudely. Lord George Gordon first read the letter of the secretary-at-war to the duke in parliament, and then called out to him : "And you, Charles Jenkinson, how durst you



At Gordon's instigation 120,000 Scotchmen signed a petition to parliament against lord Saville's bill; lord Gordon however refused to present this petition, unless he were supported by the authority of 20,000 men to back him. Preparations for carrying out this mad idea were immediately commenced, ribbons and badges were distributed, and frequent meetings were held in St. George's fields, near London, to regulate the minutiae of the procession, etc. The ministry was accused, and apparently with reason, of having purposely suffered the matter to go to an extreme length, in order to be able to make use of extreme measures against it, because they took no measures for the security of parliament before the presentation of the petition, as has been done in our days in the case of the chartists. This ought particularly to have been done, because the extravagances which the London mob afterwards committed had already been exhibited on a smaller scale in Edinburgh. Several small catholic chapels had been destroyed in that city, and excesses committed on the persons and property of the catholics.

An association similar to those in Edinburgh and Glasgow had been formed in London; this also elected lord G. Gordon its president, and he threatened in the house that, on the occasion of presenting the petition, he would march into London at the head of 50,000 or 60,000 men. This also actually happened, and without the magistrates having been informed, or having made any preparations to obstruct or prevent his design. The day appointed by lord Gordon was the 2nd of June 1780, and the whole order of the procession, which was to assemble in St. George's fields, to march from thence to the house of parliament, and to compel the consent of the members to the petition to be presented by the president of the association, was not only arranged, but even publicly announced long before. Lord Gordon's associations formed four divisions, distinguished by blue ribbons,—three from the several districts of London, and a fourth consisting exclusively of Scotchmen. The advance of these divisions was so arranged, that masses of men assembled from all sides, regularly surrounded the parliament which was then sitting, and cut it off from all communication from without. All the squares and streets were entirely full, and old

write such a letter? Robert Bruce would not have dared to write such a one; and yet the secretary of an elector of Hanover has had the presumption to do it! And the great earl Douglas of Scotland is not to be entrusted with arms!"

people declared that the tumult was greater than even in the most dangerous commotion which had occurred since the time of the Stuarts. This was the disturbance of 1733, when Robert Walpole made the first proposal for raising that tax which now compels the poor to be content with hard living for the advantage of the rich.

At the head of from 50,000 to 60,000 men lord Gordon marched on with the petition, and had it carried after him into the house, and it was with some difficulty that the multitude was prevented by the serjeants from pressing up the stairs and into the house itself; the lobby however was entirely filled with men. For several hours the parliament was unable to deliberate, because it was imprisoned and threatened, until at last the magistrates, who had been sent for during the riot, arrived. Even after they came the tumult continued, and the parliament refused to deliberate on the petition, as Gordon required them to do in the name of the people, whom he harangued from time to time from the stairs. When however the parliament remained firm, and decided by a majority of 192 voices against 6 that the petition could not be taken into consideration under the circumstances, Gordon called out to the assembled populace, "*That there would be no help for the Scottish people till all the popish chapels were destroyed.*" This was the signal for open and formal violence. On the same day, the 2nd of June, the chapels of the Bavarian and Sardinian ministers were destroyed, for the soldiers, who had been summoned by the magistrates, were unable to offer any effectual resistance. As early as the 2nd the peers and the members of the lower house had been insulted, pelted with mud, and in some cases so grossly maltreated, that three peers were rescued with difficulty. On the following day no security was to be expected for the few who ventured to come; the house of commons therefore adjourned till the 6th. The house of lords had met on the 3rd, in the midst of the dreadful tumult which raged through all London, when the shops were closed and all business at a stand, and had voted an address to the king, which however required the consent of the house of commons before the ministers could have ventured to act upon it. The peers prayed the king to publish an immediate order, by virtue of which all persons concerned in the acts of violence of the previous day, whether as contrivers, leaders or abettors, should be summarily punished. It was com-

petent for the upper house, as the highest judicial authority in the kingdom, to pass such a resolution, but it could not give the king the right to make use of such measures as were necessary for its execution, because this would have been contrary to the letter and spirit of the constitution.

The 3rd of June had passed over in a comparatively quiet manner; but on the 4th, which was Sunday, the destruction began afresh and with increased fury. The catholic chapels, and even the houses of the principal catholics in the neighbourhood of Moorfields were destroyed, and the destruction of all property in the city threatened. On the 5th, the houses of lord Saville and of some of his friends were leveled with the ground, and London, in the power of the populace, resembled a city in the possession of an enemy. On the 6th, 200 members of the house of commons had the courage to go to the house at the peril of their lives; but the military were already engaged with the mob, and it was impossible for the parliament to come to any satisfactory decision. They issued some orders, it is true, but even these were found impracticable at the moment; and then separated, because it was announced that a desperate battle was raging in the streets, and that the city was on fire in several places.

The mob by this time had stormed and set on fire the prison of Newgate, and released above 300 of the most depraved criminals, besides those imprisoned for debt; finally they had leveled with the ground the house of lord Mansfield, the lord-chief-justice, and he himself with great difficulty saved his life. The prison in Clerkenwell was also stormed, and several private houses destroyed. On the 7th and 8th the tumult and rioting were still greater, the mob more numerous, and the whole city and its accumulated wealth seemed to be threatened with destruction. Also the remaining prisons, the King's-bench, Bridewell and the Fleet, had been attacked, and the last two taken: the whole mass of the prisoners spread themselves over the city, plundering and destroying, so that it was on fire in thirty-six places at once.

The Messrs. Langdale carried on a large business in spirits, and had considerable cellars, as well as a distillery celebrated for its extent: their premises were attacked, the populace entirely maddened by drunkenness, and the flames increased by the spirituous liquors which flowed about the streets in streams.

In this extremity, when the Bank, the warehouses and shops were also threatened, the magistrates did not dare on their own responsibility to give general orders to the military to make use of their arms, because it was easy to be foreseen that the destruction of hundreds would be the immediate result. The privy-council (that is, all who had at any time filled any of the highest official situations) was therefore summoned, in order that the king might be enabled to defend himself against the charge of an arbitrary exercise of power, by means of a decree of the ministerial and opposition members of that body. It was long discussed whether the king had the right to proclaim martial law and to cause the military to be employed; but finally Wedderburne the attorney-general declared, that it was permissible, as well by the English law as by the law of nature, to repel force by force. The king on this occasion manifested his general self-command and great moral courage. He caused the opinion of the attorney-general to be given to him in writing, on this authority undertook the personal responsibility of the decree, and in his own name signed a proclamation commanding the military to repress the riots by the use of force. Fearful bloodshed in the city, which had been now six days in flames, was the consequence of this proclamation; and it was a great blessing for England that the troops could be so thoroughly relied on; indeed it was said of the ministers that they purposely suffered the disturbances to proceed so far as to justify them in calling out the soldiers. At the Mansion-house and in front of the Bank there was a regular battle. The mob, notwithstanding immense loss of life, repeatedly attacked both these buildings, and the attack was as often repulsed by the firing of the military. At the King's-bench and on Blackfriars-bridge scenes similar to those at the attack of a fortress took place; the greatest loss of life however took place in the attack on the Bank. How many fell, how many dead bodies were thrown over the bridge into the Thames, it is impossible to say, but certainly upwards of a thousand. However little we should feel inclined in general to receive Wraxall as an authority, yet here, inasmuch as his is the testimony of an eye-witness, we must refer our readers to his account of the scenes from the 7th to the 10th of June\*. The house of

\* Wraxall, *Historical Memoirs of my own Time*, vol. i. p. 324-356. The following words, p. 324-326, will justify the minute description which we have given of these scenes. He says: "In 1780 the flames were originally kindled,



commons had been adjourned till the 11th, so that in the former week no authority but that of the king and of the soldiery remained, and it was unable even then to hold a sitting, as martial law, which had been proclaimed, still remained in force. No peaceful sittings could be held in the midst of arms, and those of the parliament were only re-opened on the 19th. From the 10th the smoking ruins of the city resembled those of a fortress after a siege. All trade was at a stand; houses and shops were closed; the bridges, the Bank, the public buildings, the streets and squares were occupied by soldiers: everywhere smoking ruins, and every thing was dull and silent as in a provincial town. The peculiarity of the English criminal law was shown in such a manner upon this as upon other occasions, that it may be considered either very faulty or very near perfection, and sufficient reasons may be adduced to justify either opinion.

Lord George Gordon, the contriver and originator of the whole riot, was arrested and brought to the Tower under a stronger guard than perhaps ever accompanied a prisoner; an error in the form of his indictment however led to his escape from all punishment. He was accused of high-treason, and the legal definition of this offence could not be applied to his case: he was therefore set at liberty, whilst the fanatics who had acted under his influence and direction paid the penalty of their conduct with their lives. Lord George committed several other acts of madness in the course of his life, and was not sent to a poor-house or lunatic asylum, in consequence of being a man of family, and being provided with a yearly income from his brother. He adopted judaism and was circumcised in Birmingham, and ended his life in prison in Newgate, having been condemned to imprisonment in 1789 for a libel on the unhappy queen of France.

In this year, so disastrous to the city of London, fortune was more favourable to the English at sea than it had previously

as well as rendered far more destructive, by a populace of the lowest and vilest description, who carried with them, wherever they moved, the materials of universal ruin. It was only in their blood, by the interposition of an overwhelming military force, that the convulsion became finally arrested, and that London, after being desolated by fire, was rescued from plunder, bankruptcy and subversion. Even the French revolution, from July 1789 down to April 1814, &c., did not produce in the capital of France any similar outrages."

been. In the first place the French as well as the English had been dissatisfied with the conduct of the commanders of their fleets in the West Indian seas in 1779, and had replaced them by others in 1780. D'Estaing on his return to Europe was suffered to remain unemployed, because upon the occasion of the attack on Savannah in Georgia and others he had shown himself to be hasty and injudicious. The English were dissatisfied with lord Byron, because instead of following up his advantages in the West Indies, he had neglected them in order to convoy a fleet of merchant vessels to England. The ministry, already at variance with most of their old admirals, were therefore very much rejoiced when the best among them, who however had ruined himself by extravagance and gambling, and whose debts detained him in Paris, offered them his services. Admiral Rodney was in every respect a good seaman, but he had all the faults of a hero: he was a great boaster, spent in gambling all that he had and all that he could borrow, and was extremely expensive in his pleasures; so that he had quite as much need of prize-money as the ministry had of his services. The French say (we must however refer our readers to Lacretelle's book, as the genuine French bravado is not to be expressed in simple German (English)) that he had been dining with *maréchal Biron*, and had boasted that if it were not for his debts, which detained him in Paris, he would beat the Spaniards and French together; upon which Biron gave him money to pay his debts, and he set off for England\*.

However the truth may be with regard to this French anecdote, Rodney came to England and received the command of the fleet destined for the West Indies, consisting of twenty vessels, which set sail in January 1780. As Gibraltar even then continued to be threatened with a siege, Rodney's orders were first to land reinforcements and provisions there, and then to proceed direct to the West Indies. In this expedition fortune seemed particularly to favour the admiral. In the first place it happened that the united French and Spanish fleet, consisting of forty

\* For the advantage of such of our readers as have not Lacretelle at hand, we shall quote the splendid conclusion of the anecdote, vol. v. p. 212. "*Le maréchal de Biron tira une vengeance noble mais indiscrete de cette insulte faite à sa patrie: peu de jours après il acquitta les dettes de Rodney. 'Partez, Monsieur,' lui dit-il; 'essayez de réaliser vos promesses; les Français ne veulent pas se prévaloir de l'obstacle, qui vous empêchait de les accomplir; c'est par leur bravour qu'ils mettent leurs ennemis hors de combat.'*"

ships, which was lying in Brest, was not ready for sea when Rodney sailed, although Aranda had gone from Paris to Brest purposely to hasten the preparations. Secondly, the Spanish commanders whose ships were blockading Gibraltar, and those whose ships were lying in the ports of Galicia, found that even when united they were no match for the English fleet. Besides this, Rodney happened to meet on his way a considerable fleet of transport ships which were carrying provisions and ammunition from St. Sebastian to Cadiz. He captured the whole of these ships and provisions, as well as a sixty-four gun ship which served as their convoy. The two Spanish fleets, which when united would have been able to attack Rodney, were separated by a tempest, and so injured that the one was obliged to return to Carthage, the other to Cadiz, to refit. Afterwards when Don Juan Langara sailed with his part of the fleet from Carthage, he met the English fleet, far superior in numbers to his own, near Cape St. Vincent, offered them battle, and though the Spaniards fought with admirable courage, was entirely defeated. Don Juan was himself taken prisoner after a desperate resistance, and all his ships were taken or destroyed with the exception of four, two of which were very much damaged. After this victory Rodney sailed to Gibraltar, accomplished there all that he had intended, and sent the ships he had taken, together with a part of his own fleet to England, under the command of Digby, who captured besides a ship of sixty-four guns on the way. With the rest of his fleet Rodney arrived at St. Lucia in March, and found there a French fleet under Guichen exceeding his own in number, which in connexion with the Spanish fleet was to attack Florida and Jamaica. The Spaniards had sent admiral Solano with twelve men-of-war, a whole fleet of transport ships and 11,000 men to the Antilles, and Guichen sought in every way to avoid a battle, till he should be able to form a junction with Solano. This led to a variety of manœuvres between Guichen and Rodney in the months of April and May, which are very remarkable in the history of the art of naval warfare. Rodney was praised because he had been able to force the French to a battle on the 17th of April, before their junction with the Spaniards, and Guichen became celebrated in the whole of Europe because he had given battle to an English fleet of nearly equal force, commanded by such a man as Rodney, and had not suffered a defeat. Rodney on this occasion complained

loudly against the English ministry, the admiralty and lord Sandwich, who was at its head. He had also complaints to make against the brave Hyde Parker, who commanded under him, and who, as it afterwards appeared, was as much discontented with the ministry as he was himself. In his despatches, giving an account of his engagement with the French fleet, he made no mention of a single one of his officers. He, as well as Hyde Parker, said openly that the ministry were ruining the sea-service; for they did not promote deserving officers, but those only of ministerial opinions, or such as by their own influence or that of their powerful relations might afterwards be useful to the administration.

On the 15th and 19th of May, Rodney compelled the French to fresh engagements, and gained a victory on the 19th; but the damage which the English did to their enemies was very inconsiderable. During this time Solano was approaching the island of Martinique, and escaping the notice of the English fleet in the straits between the islands, whilst Rodney lay in the bay of Carlisle off Barbadoes, and Guichen remained off Martinique, waiting for an opportunity of joining the Spaniards. When Rodney afterwards sailed against Solano, the latter was fortunate enough to escape him, and to find safety in a harbour in one of the smaller islands, where Guichen afterwards effected a junction with him, which Rodney was unable to prevent. As Solano had a considerable land-force on board which was intended for Jamaica, and could not be brought thither without the convoy of the French fleet, the French and Spaniards had gained their object; the English failed in theirs.

The junction of the French and Spanish fleets took place at Dominica, and the united fleet, consisting of thirty-six ships, was so much superior to that of Rodney that he retired to St. Lucia; the island of Jamaica was not however attacked by the enemy. The climate, want of attention, and infectious diseases, had caused greater destruction among the sailors and the numerous troops on board than a bloody battle would have done. Guichen, after convoying the Spanish fleet to St. Domingo, found it advisable to return to Europe in July; and Rodney followed him thither. In this year the English had suffered great losses in money and in merchant-vessels, without having been beaten. The loss of their foreign trade was in fact greater than it had ever been in the period of a few months in any war before



or since. The outcry against the ministry was thus very much increased, although it must be confessed that the losses were rather the result of accident than of any fault on their part.

At the time in which the French were defying the English on their very coasts, and fighting with them in the East and West Indian seas, Louis of Cordova set sail with a Spanish fleet for the purpose of capturing a large fleet of English transports which was conveying munitions of war to the East and West Indies, and at the same time the necessary stores for the sick and wounded. The fleets destined for the East and West Indies sailed under the same convoy to the point where their course separated. Louis of Cordova was fortunate enough to overtake them before their separation and to capture them both. On the 9th of August 1780 he took fifty-five ships, having on board 2865 men, and brought them into Cadiz. Almost at the same time the Americans took fourteen ships belonging to the English Quebec fleet destined for Canada.

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## § II.

### ARMED NEUTRALITY AND WAR WITH HOLLAND.

In the year 1781 the English were threatened with the union of all the neutral powers of Europe, with Russia at their head, against their usurped authority on the sea; the matter however went no further than rumour, and we should not have mentioned it, had not this project of a neutrality been the cause of the war between England and Holland, and had not the emperor Paul, in connexion with Buonaparte, in the beginning of the present century, again brought forward the same plan, which Catharine II. had formerly rendered of no effect, from a feeling of good-will towards the English.

The danger which threatened England from Russia was the more unexpected, as the English minister at Petersburg was one of the empress's most intimate friends, and she herself believed that the armed neutrality, of which Panin, her minister for foreign affairs, had so long spoken, would be very agreeable to the English. Panin knew very well what were the advantages of neutral shipping during a naval war; the empress did not.

As regards the relations subsisting between England and Russia at this time, the English ministers, before they took Ger-

man troops into their pay, had proposed to send 20,000 Russians to America, and had afterwards entered into negotiations with a view to a more intimate connexion between the two countries. These negotiations were conducted by the English minister Harris, who afterwards, in his official capacity of mediator with the French republican government, gained some reputation under the title of lord Malmesbury. Harris possessed Catharine's entire confidence, and, according to a very good authority\*, the negotiations concerning a very intimate connexion between Russia and England were already far advanced, when Panin proposed to the empress a project, which, as he asserted, would raise her influence, power and glory to their highest point, and also be advantageous to the English as well as to all the other powers of Europe. Panin's pretext for laying this project before the empress was her displeasure against the Spaniards on account of an act of violence perpetrated by them on some Russians who had endeavoured to convey provisions to the English in Gibraltar; the empress therefore could not suppose that the plan, which she approved of, because she did not exactly understand the circumstances, could be directly opposed to the wishes of the English themselves. The idea of an opposition on the part of all the European powers to the naval law of the English, which is tyrannous and unjust, is said to have originated in Spain: the displeasure of the empress against the Spaniards afterwards gave Panin the opportunity of submitting the project for her approbation.

The Spaniards had long before this time declared the port of Gibraltar in a state of blockade, and particularly long before any preparations had been made for the siege; they had, as it was called, blockaded it on paper; they had therefore offended the pride of the empress by seizing upon two Russian vessels laden with corn, which had made an attempt, in spite of this blockade, to run into the harbour. Harris confirmed the empress in her

\* Dohm is unquestionably the best authority on the subject of the armed neutrality. His remarks upon the subject will be found in his 'Memoirs,' part ii. p. 104, &c. With his reports Coxe may be usefully consulted, who has given a number of documents from the papers of English statesmen, although they are selected and arranged without critical judgement. See his 'Memoirs of the Kings of Spain,' &c. &c., vol. iii. ch. lxxiii. pp. 438, &c. edit. 1813. The minutes and documents connected with the proceedings are best given in Marten, *Recueil des Traités*, &c., parts ii. and iv.

displeasure against the injury done to neutral ships; he took great care however not to tell her that this was only allowed to other nations as an exception, but with the English was regarded as a system and a general rule. Upon this, the empress, much to the satisfaction of Harris, ordered fifteen men-of-war to be prepared for sea in Cronstadt, to protect her flag. This opportunity was now declared by count Panin to be the favourable one for the empress to take up a position as the protectrix of all the smaller naval powers, and he was commissioned by her to prepare a plan, of which however he first gave a hint to the Spaniards. Panin based this project upon a plan which had proceeded from Spain and been communicated to France; for which reason also Florida Blanca, whose report is to be found in Coxe's 'History of the Spanish Branch of the House of Bourbon,' according to English official papers, very willingly gave his consent.

The English ambassador was not indeed made acquainted with the words of the declaration which Panin was to draw up, but he knew perfectly well the empress's feelings regarding England and her preparations in Cronstadt, and relied on her assurance that she would shortly issue a decree concerning neutrality at sea, which would be very favourable to the English. How great therefore was the astonishment of Harris when the intended edict appeared on the 26th of February 1780, which was entirely and diametrically opposed to the law of force till then acted upon by the English! Panin's proposal was to call upon all the neutral powers to enter into a union with Russia, in order, if necessary, by having recourse to arms, to uphold the naval law proposed by Russia, and to be acknowledged by all the contending powers. The principal points of this Russian manifesto, referring to the rights which neutral ships were to enjoy, are comprised under the five following heads:—

1. Neutral ships may trade from port to port along the coasts of the contending powers.
2. A neutral ship makes its lading neutral, except when such lading is contraband. ("Free bottoms make free goods.")
3. The only contraband articles in the strictest sense are arms and other necessities of war.
4. No port is to be considered blockaded, except when so closely watched that ships cannot enter without danger.

5. No decision of any admiralty court to be allowed in which the above principles are not recognised.

Harris was placed in a very difficult position by the publication of this edict, and by being asked to give his opinion concerning it, for the English ministry had only the alternative of publicly avowing their usual course of action, or of involving themselves in a war with the neutral powers, inasmuch as both Spain and France had immediately agreed to the conditions prescribed by Russia. The English therefore at first only procrastinated, they sought to gain time and put off the declaration of their opinion respecting the edict, for Harris was well aware that the empress by no means wished for a serious disagreement with England, although all neutral powers had been pompously invited to unite in the neutrality proclaimed by Russia, to which a neutral squadron was to give effect. England had little to fear from the whole naval force of the other powers; Holland alone, by means of its fleet and its capital, was in a condition to recover the whole of the English trade which it had formerly possessed, if protected in its neutral trade in the manner proposed by Russia. English cabals at the court of the hereditary stadtholder, and English influence upon his wife and the prince of Brunswick, who governed him, caused such a delay in the proceedings of the Dutch government as prevented the accession of Holland to the neutral alliance until a pretext for a breach had been formed by England, upon which the republic ceased to be a neutral power.

That the reproaches which the Dutch, in this case as in others, uttered against their government, of too anxiously uniting with England, out of fear of the old republican party, which was becoming more and more important in Amsterdam and in several provinces, were not altogether unfounded, may be seen from the fact that the Dutch were called upon to sign the act in April, and only made up their minds to do so in November. King Gustavus III. of Sweden joined the neutral powers in July; Denmark hesitated, because Bernstorff, who directed the affairs of this kingdom, would have willingly withheld his consent altogether; he yielded however to circumstances, and the three northern powers made, besides this, a particular agreement among themselves. They resolved to fit out their fleets, to defend then and thenceforth the principles declared in the above-mentioned manifesto, to admit no privateer of any nation whatsoever through



the Sound into the Baltic, and not to suffer any hostilities to be carried on in that sea. The delay in the accession of the Netherlands to the neutral alliance is so closely connected with the history of the Dutch revolution, that before going farther we must cast a glance at the relations and history of the republic of the seven united provinces of the Netherlands since the peace of Aix la Chapelle.

The princess Anne, daughter of George II. of England, had retained the dignity of hereditary stadtholder from the peace of Aix la Chapelle till her death in 1759; from this period Louis Ernest of Brunswick, who had been associated with her in the government since 1748, as guardian of her son William V., born after his father's death, in his character of guardian to the prince, remained at the head of the war department by sea and land. The duties of the stadtholder devolved upon the estates of the separate provinces. By this means the aristocratic republican party in Holland, called the patriotic party, obtained a very considerable increase of influence, particularly in the province of Holland, where Amsterdam exceeded all the other towns in influence, both in the provincial parliaments and in the states-general. In Amsterdam public opinion was decidedly against the government, for two reasons: the old anti-Orange party, called the Löwenstein party, still existed there; and besides, it was observed with grief in Amsterdam as well as elsewhere, that commerce and trade, navigation and naval power, were passing from Holland to England, and the government was blamed for what was merely the effect of circumstances. All ranks however were discontented with the prince of Brunswick and his partiality towards England, and he was accused, with perfect justice, of causing the future stadtholder of the republic to be educated in a manner precisely as unsatisfactory as that in which it is usual to educate German princes destined to become rulers; nay, even more so, inasmuch as he neglected to instruct him in the duties of a soldier and man of the world, which at least is still done in Germany.

Even before the death of the widow of William IV., many discussions had arisen between the estates and duke Louis Ernest: since 1759 these discussions had never ceased. The English, during Anne's lifetime, had taken advantage of that princess's relation to the king of England, and of the neglect of the Dutch navy, which was partly caused by Anne's confidence

in the friendship of England and partly by the eternal dissensions with particular provinces, to restrict the commerce of Holland, and to extend their own power at sea. They even violated the express treaties by which the right of the Dutch to neutral trade was recognised, immediately after the commencement of the seven years' war between them and the French in America. They declared all commerce with the French West Indies illegal, ship-timber and other materials for ship-building contraband, and in the year 1756 alone captured fifty-six Dutch ships, which had violated the laws so arbitrarily laid down. In the year 1758 the Dutch merchants represented to the states-general, that during the short period since the commencement of the war between the French and English they had lost upwards of twelve millions of florins.

Appearances were certainly in this case against the Dutch government, which did not endeavour with sufficient energy to redress the grievances of the merchants, because the English had not only violated the law of nature but also the express provisions of the peace of Utrecht, according to which, even property belonging to a hostile power was to be considered safe under a neutral flag. Duke Louis Ernest might certainly have made better preparations and have acted with greater energy. This was so much the more the duty of a captain- and admiral-general, as actual naval combats took place whenever the Dutch men-of-war which were conveying the merchant-vessels fell in with English cruisers or men-of-war. It was computed that, up to the date of the peace of Paris, at least a dozen Dutch ships in each year were adjudged to be fair prizes by the English admiralty court, according to the one-sided English law.

After the end of the seven years' war, or rather since the death of the princess Anne (1759), the internal dissensions in the Netherlands had been very much increased by the personal character of the duke and his anti-republican tendencies. Louis Ernest was conceited and fond of power, increased the natural incapacity of the young prince by the kind of education which he caused to be given to him, and made him dependent on himself by means of a secret and consequently illegal and unconstitutional agreement. He was unable indeed to conceal from the knowledge of his numerous enemies this act, which he caused his ward to subscribe on his coming of age, although its actual contents were not discovered till a considerable time after-

wards. When the prince attained his majority in 1766 he had a powerful party against him, as well in the states-general as in the parliaments of the several provinces: the magistrates of the powerful towns had almost all become anti-Orange during the administration of Louis Ernest; the young prince therefore believed himself to be utterly helpless without the assistance of the duke, and was confirmed in this opinion by Prussia and England. This was the motive for the step which the prince took at the duke's instigation, the entirely unwarrantable step of subjecting himself and his free state to a foreign prince in order to retain the latter near his person. He drew up and subscribed an agreement (*Acte van Consulentschap*), according to which he bound himself to follow the advice of his ex-guardian in all state affairs. The only persons who knew of this agreement were the pensionary of the council (minister of foreign affairs), the English ambassador, and two chiefs of the Orange party: the others only guessed that such a contract might exist, considered the whole affair however as a conspiracy against the aristocrats or patriots, and laboured incessantly in opposition to the government of the stadtholder.

Under these circumstances the result was such as might have been expected, and such indeed as was almost unavoidable in a free state, where two parties of opposite opinions were nearly of equal strength; even the most reasonable and wisest propositions of the duke met with opposition in the separate states, where the aristocratic party had the majority, whilst the lower classes were entirely devoted to the prince. As early as 1767 the duke wished to take measures to prevent the increasing loss of trade, but was unable to succeed in his attempt; he endeavoured in 1769, 1770 and 1771 to increase the naval and military force, at least as much as might be necessary in order to retain everything in its then position, and to strengthen the garrisons in the strongholds on the Belgian frontier; but each time he was prevented by the pedlar spirit and little-mindedness of the estates. In 1773, when it was perceived that Spain, as well as France, was not only making great preparations at sea, but was even creating an entirely new naval force, equal to that of England in the number of ships of the line, the province of Holland was desirous that its naval force also should be strengthened, but at the same time resisted a proposal of the government for raising the naval and military force to such a

strength, in regard to number and organization, that the republic, during the hostilities between England and France which had at that time broken out, might be enabled to maintain its neutrality. Notwithstanding all this, the blame of the decay of the naval and military force was entirely thrown upon the government of the stadtholder, although in 1776 the states-general roundly and openly declared to the states of the several provinces, that the United Provinces possessed neither a naval nor a military force fit to oppose an enemy.

Because the English were aware that the Dutch were entirely unable to fit out either a land or a sea force, or even to be of the same opinion concerning any energetic measure, inasmuch as the Orange party and the patriots mutually distrusted each other, they allowed themselves not only to disturb the Dutch timber trade, which ought to have been free according to the law of nations, but also to violate express treaties with Holland. Notwithstanding the advantages allowed to the Dutch over other nations by the treaty of 1674, which the peace of Utrecht had confirmed, the English enforced their right of search with violence and by force of arms in the midst of peace. It was besides easy to be seen, that with the extraordinary constitution of the Netherlands, in which separate towns, such as Amsterdam and some others, and the provinces were entirely independent of the states-general, different modes of conduct would be pursued with respect to the English and the Americans. The government and its partisans, who consisted principally of the inhabitants of some provinces, such as Zealand and Guelders, where the prince had large possessions, and of the Dutch nobility, were favourable to the English: the Dutch towns, on the other hand, and particularly Amsterdam, were inclined to a treaty with France and to the support of the North Americans. The prince in 1767 had married the niece of king Frederic II. of Prussia and the sister of his successor, Frederic William II.: this princess soon began to interfere in public affairs, because the prince was phlegmatic, lazy and helpless, and apparently always looked to England for support. The influence of the princess was most felt in the states-general, and the governments of several of the cities and provinces acted oftener on this account in opposition to the government of the country.

The English were thus furnished with an opportunity of complaining with an appearance of justice, that the province of Holland



had given the celebrated freebooter Paul Jones an asylum in the Texel, that the Dutch island of St. Eustatius in the West Indies had become a regular market for the North American trade, that an English frigate had been taken almost under the guns of the island, and that English prizes were sold there\*. The English ambassador at the Hague was at that time the same Joseph Yorke who afterwards strengthened the princess in all her Prussian court-fancies, and supported her by his cabals in her overbearing and haughty behaviour: Yorke induced the stadtholder to recall M. de Graf, the governor of St. Eustatius, but the latter defended himself so well, that he was acquitted and reinstated in his office.

At the time of the Austrian war of succession, when a very intimate and friendly relation subsisted between the Netherlands and England, which at that time was seriously threatened by the pretender, an article had been agreed upon, that in case England or Scotland should be threatened with an invasion of the enemy, the hereditary stadtholder should lend his Scotch guards for the defence of the king of Great Britain. The English wished to take advantage of this article when their coasts were threatened by the French and Spanish fleets; the Dutch did not agree to their demand, which the prince would have willingly granted; they easily proved, on the contrary, that in that article no other case could have been referred to than one by which the Hanoverian dynasty was threatened. This refusal particularly displeased the English, because the directing minister, or the so-called pensionary of the province of Holland, and the two burgomasters of Amsterdam were known to be declared republicans and friends of the French. The Amsterdam merchants were also at this time intimately connected with the Americans, and however ill the democratic Franklin might consider it his duty to speak of the plebeian aristocracy of Holland, they had favoured the loans which the Americans had raised on French security. The English therefore annoyed the Dutch in

\* It will be seen from Franklin's letters, that whilst he was in Paris his official correspondence went by way of St. Eustatius and Holland, as soon as war had been declared between France and England. The whole conduct of the Dutch and their relation to the other powers is very justly delineated by him in a few words, in a letter of the 13th of June 1780 (Works, vol. viii. p. 471):—"Holland, offended by fresh insults from England, is arming vigorously. That nation has *madly* brought itself into the greatest distress, and has not a friend in the world." This is much the same as what Jugurtha said of Rome on leaving it, "O civitatem venalem si emtorem invenerit!!"

many ways; they totally destroyed their timber trade, on the pretence that timber might be used as building materials for ships of war, and hindered their communication with the French West Indies by force. The Dutch, on the other hand, to please the French, gave orders to all their ships to avoid touching at Gibraltar, in order that the English there might not be provided with supplies by means of Dutch vessels.

Whilst everything had the appearance of England being at silent feud with Amsterdam and the province of Holland, but on the best understanding with the hereditary stadtholder and the states-general, a circumstance happened, the necessary consequence of which was the interruption of the friendly relation between the stadtholder and the English, although the Dutch, on account of the bad condition of their fleet and army, could not venture to declare war. At the very time in which the plan of neutrality was brought to maturity in Russia, by which all the neutral powers were to be protected by means of their united naval forces, the Dutch rear-admiral Bylandt (*Schout by Nacht*), with three ships of the line and some frigates, was conveying a Dutch merchant fleet destined for the Mediterranean; this fleet was joined, without Bylandt's consent however, or any promise of protection on his part, by some ships laden with building timber, or timber which the English considered as such and liable to search, because they were conveying materials to the enemy. The English captain, Fielding, with a small squadron, was ordered to follow the vessels under Bylandt's convoy, to search them, and to capture all such as should be laden with marine stores or with timber for ship-building. He came up with the fleet in January 1780: Bylandt however properly refused to suffer the vessels to be searched, and only yielded when the English, who far exceeded him in numbers, actually fired upon them; he then struck his flag, as if he had been captured during a war, and followed the English squadron with his whole fleet, as if war had been actually declared and commenced by them. He remained in the harbour whither they were conducted as a prisoner of war, until he received further commands from his government.

This circumstance gave rise to a violent diplomatic contest, an interchange of notes full of bitter reproaches and complaints on both sides, until the English, who would gladly have been long since relieved of the treaty of 1674, and of the clause in the

peace of Utrecht which was so entirely opposed to their naval law, declared that if the Dutch did not comply with what was required of them within a period of three weeks, they (the English) should no longer consider themselves bound by particular treaties. When the demands of the English were afterwards discussed in the states-general, all the provinces except Zealand voted against compliance, and a declaration of war was then expected: this however the English ministry did not yet consider advisable. They wished merely to gain time; they did not immediately wish to have a third war upon their hands, but to prevent the estates, miserly and vacillating as they knew them to be, from adopting the proposal of the stadtholder, that preparations should be immediately made, and at the same time to prevent the party of the stadtholder from entering forthwith into the neutral alliance proposed by Russia: they therefore gave hopes of the continuance of peace, but in reality pursued a hostile course of action. The English first formally declared the treaty with the Netherlands, by means of which the latter had a right to particular advantages, null and void, in a statement made by them to the states-general, and then issued a proclamation to the English people corresponding to the statement.

The declaration to the states-general contained the following words: "The seven united provinces of the Netherlands have broken the close connexion which has existed for more than a century between the two nations and been confirmed by treaties, by refusing to render them the necessary assistance against a hostile attack; that England consequently for the future can only consider the Netherlands as a nation in no way connected with her, but merely neutral, and in the situation of any other European power not actually carrying on war." This is the real substance of the very long and diffuse diplomatic declaration which was published on the 17th of April 1780. The proclamation was issued immediately afterwards, and declared that the inhabitants of the seven united provinces were henceforth to be considered and treated in the same manner as those of any other nation with whom the English had concluded no treaty by which particular advantages were conceded; that consequently it was hereby announced in the name of the king and proclaimed by his command, that till further notice, all such treaties as had ever been concluded with the states-general for

the particular advantage of the Netherlands were to be considered null and void; and that this particularly referred to the advantages and privileges which had been granted to the Dutch by the navigation clause of the treaty of December 11, 1674.

The Dutch rightly considered this one-sided abolition of maritime rights, which had existed for more than a hundred years, as a piece of coarseness proceeding rather from commercial jealousy than from political enmity, the intention of which was entirely to suppress the Dutch trade and to deprive the united provinces of all the advantages of their neutrality; they determined, therefore, at least to arm. But it was again clearly shown on this occasion that every noble feeling was far from their pedlar minds, that their great men had degenerated since the peace of Aix la Chapelle, and that their rich ones had no republican feelings whatever; they would not even pay, when their government, which they continued violently to accuse, demanded a supply of the reasonable and necessary means of war, which were of course not to be obtained without money. The government required the states to furnish them with means for raising the land army to about 50,000 or 60,000 men, and for building fifty or sixty new ships of war to strengthen their fleet; and long discussions and much contention were the consequences of this demand. At length, after much squabbling and a great deal of bargaining, the demand was entirely refused as regarded the land army, and only thirty-two ships allowed to be built. The patriotic party was therefore fully as negligent and slothful, out of reliance on the French, as that of the house of Orange was from confidence in England. The government, that is, duke Louis Ernest and the princess Frederica Wilhelmina, just about this time committed the gross error of postponing their accession to the armed neutrality for nine months out of regard for England. As among the neutral powers Holland alone would have been able to cover the sea with its ships, England would have been more embarrassed by the accession of Holland to the alliance, than by the whole of the rest of the armed neutrality together.

It must be observed, however, that the delay of the Netherlands in joining the alliance proposed by Russia was not entirely the fault of the government; the forms of its unmanageable federal constitution, the mixed nature of the executive and of the government, and the natural slowness and carefulness of the



Dutch in consulting and determining, had a considerable share in causing it. The Dutch only resolved on the 20th of November 1780 to join the armed neutrality; the English therefore had time enough to furnish the empress with a tolerable pretext for refusing the Dutch signature to her treaty, which thus became of very little consequence to them. This pretext was, that the Dutch, at the time in which they declared their intention of joining the neutrality, were certainly still one of the neutral powers, but had ceased to be so when their declaration of this intention arrived at Petersburg on December 24, 1780. This had been provided for by the English, who had declared war with the republic on the 20th of December; and Harris had notified to the empress in November that such would be the case. The English, in order to give their diplomatic *coup d'état* the appearance of justice, had taken advantage of certain negotiations concerning commercial relations which had been commenced by the province of Holland, and particularly the city of Amsterdam, with the American congress.

According to the extraordinary constitution of the republic, which consisted of provinces united together, but in most things entirely independent of the common government, a province or a city could conclude separate treaties with any foreign state without communicating with the general government on the subject; and this had been done by the city of Amsterdam in 1778. The connexion with America had been commenced by the house of Neufville in Amsterdam, who, as we see from Franklin's letters, had also made all sorts of proposals to this ambassador of the republic, which however he felt himself compelled to decline, as he had determined to be entirely guided by France. The burgomasters of Amsterdam, and particularly the pensionary of the province of Holland, were in favour of a very close connexion with France; their movements and correspondence were therefore carefully watched by England, and it could not escape the notice of the latter, that the Dutch merchants were endeavouring to withdraw from the English the advantages of the trade with North America. The negotiations were commenced in 1777, and the matter was conducted with such rapidity, that in 1778, when the French concluded a treaty with the new republic, the pensionary of Amsterdam was also agreed with the congress as to the articles of a commercial treaty. As the whole republic of the Netherlands was then on

a good understanding with England, the clause was added to the treaty, that it was not to be considered as in force till the independence of the Americans should have been acknowledged by the English : but so obvious a stratagem could deceive no one.

The individuals who conducted this affair made themselves contemptible, and rendered the arms of the republic, which signify that union and public spirit alone can sustain a republic consisting of united provinces, ridiculous. The negotiations of the city of Amsterdam with Franklin's colleague Lee were not only not easy to be reconciled with the constitution of the republic, but Amsterdam, inspired by a mean and petty spirit, wished to obtain certain advantages for itself and its trade which were not to be granted to other Dutch cities. We see therefore from Franklin's letters, that other cities hastily applied to him in the hope of being enabled to conclude similar separate treaties with America. When everything was arranged, the American congress committed the duty of formally concluding the treaty with the city of Amsterdam to one of its ex-presidents (Laurens); his departure was however delayed in the year 1779, and took place in 1780, at a time when the papers in his possession afforded the English a pretext for declaring war against the Netherlands, for which they then anxiously sought.

In September 1780 the English had captured the ship on board of which Laurens was, and had succeeded in recovering his papers, which he had torn and thrown overboard, so that he and his despatches were brought to England on the 8th of October.

Laurens was treated very severely in England, and his imprisonment in the Tower was very strict : the Dutch had been already treated in an unfriendly manner by the English even before the latter were in possession of the papers relating to the negotiations of the city of Amsterdam. The English ambassador at the Hague, the same Joseph Yorke who possessed so much influence with the duke and the princess, had handed in a memorial to the states-general, couched in such rude and unbecoming terms, on the occasion of the affair with the governor of St. Eustatius, that the states sent it back to him unanswered, and demanded his recall from the English ministry. Their demand however was not complied with ; he was left at the Hague, and was the person employed, on the occasion of the treaty between America and the merchants of Amsterdam, to demand a satis-

faction, which it was well known could not be given. The English ministry communicated to the government of the hereditary stadtholder the papers which had been found on Laurens. They demanded an explanation from the province of Holland and from the city of Amsterdam, and on their attempting to justify their proceeding by appealing to the nature of the constitution, plainly signified their dissatisfaction. As the English wished for a pretext for declaring war, and were probably even then agreed with the empress, if not with Panin, respecting the accession of the Dutch to the armed neutrality, they did not content themselves with this; their ambassador was instructed to demand that the pensionary of Holland and the burgomasters of the city of Amsterdam should be actually punished; and this he did in an insolent and threatening note. According to the constitution of Holland, the satisfaction which the English demanded could not be given them; and superstitiously attached as they have always been to the observance of outward forms, they knew this themselves as well as any one else; notwithstanding this, they declared war against the united provinces on the 20th of December.

Inasmuch as the Dutch, in consequence of the declaration of war on the part of England on the 20th of December, were no longer a neutral power on the 24th, when the announcement of their intention of joining the armed neutrality arrived at Petersburg, the empress had a tolerable pretext for refusing to receive them. The neutral alliance, as announced so pompously by the Russian cabinet, thus lost its principal support. The empress notwithstanding continued to enjoy the credit of standing at the head of an association, the object of which was to protect the weak against the strong. That as far as the empress was concerned it was a mere question of fame and credit, was experienced by king Gustavus III., when he proposed that a formal recognition of the principles of the alliance should be required from the English ministry, instead of a kind of silent consent to its existence. This proposal was by no means agreeable to Catharine, who wished to remain on as good terms as possible with England; she still however continued, for appearance sake, to invite powers who had no considerable trade, nor in fact hardly any harbours, to join the armed neutrality. Prussia joined it in May 1781, the emperor of Austria on the 9th of October; and at a later period, Naples and Portugal.

The Dutch, in the year 1781, experienced the consequences of their divisions, their narrow policy, their cautiousness and their avarice, which had hindered them from affording to their government the means of acting with energy immediately after the commencement of the war. The French, on the other hand, justly consider this year as the most glorious period of their history, because, without regard to their own advantage, they sacrificed money and blood for the freedom of others. The nobleness and generosity of this mode of action towards the Dutch and the Americans on the part of the French, as an exception, and even as an error, deserve the more praise, the less policy approves of generosity in intercourse between states when little advantage arises from it, as is clearly to be seen by the example of England, which never loses sight of her own particular interests. The English on this occasion acted like pirates towards their oldest friends and allies, the Dutch : the French, on the other hand, carried away by the enthusiasm of their authors, of their good king, of Lafayette and his party, plunged themselves into heavy debts for the sake of the Americans, and without making any conditions for themselves in return, they helped the Dutch again to their property, without being bound to them by any treaty, and restored to them what had been taken from them by the English.

As to the English, they remained in this war also true to a custom which had afforded matter for reproach against them in every war during the eighteenth century, and was regarded as an act of meanness disgraceful to any civilized nation ; they gave permission and issued commands to capture the enemy's ships long before the declaration of war, in order that, at the moment of the breaking out of the war, their captains and privateers might make several prizes. Before therefore the English declaration of war arrived at the Hague, the merchant-vessels of the unsuspecting Dutch had been captured wherever they were met with, so that, from the 20th of December 1780, on which day war was declared, till the end of January 1781, 200 Dutch ships were captured, the value of which was estimated at fifteen millions of florins. In the West Indies, the English naval hero, Rodney, behaved towards the Dutch in a similar manner to that in which Warren Hastings had conducted himself on the banks of the Ganges, or as Clive did, to whom the English have not yet ceased to pay the thanks to which he was justly entitled for having made them



masters of that country, from whence they procure the opium which they sell to the Chinese.

The English ministry had long determined to destroy the *dépôt* of the Dutch in the West Indies, which was at the same time the regular port for the North American trade, by the capture of St. Eustatius; on the same day therefore on which war was declared, a swift-sailing frigate was despatched to Rodney with orders to put this plan immediately into execution. When Rodney received this order he was lying off Barbadoes, and he immediately sailed towards Martinique as if to seek out the French: he appeared suddenly before St. Eustatius on the 3rd of February 1781, where the inhabitants had no intimation of the breaking out of the war, and where consequently not the slightest preparations for defence had been made by the miserable Dutch government, at the head of which was Louis Ernest. No opposition was even attempted; the island, which resembled one immense magazine, was immediately given up. Two hundred and fifty ships and a frigate, which were lying in the harbour, were captured; sixty others under the convoy of a frigate attempted to save themselves by flight; but Rodney sailed after them and captured them all, together with the ship of war which was conveying them.

As the island had not been taken by storm, but had been given up on capitulation, private property and the rights of private individuals ought to have been respected. Rodney however and his colleague Vaughan, the commander of the land army, conducted themselves in every respect more like robbers than like leaders of an army belonging to a European nation. It must be remarked however, to the honour of the English nation, that although Rodney's ability as an admiral met with loudly expressed admiration, his conduct on this occasion raised a very decided expression of disapproval against him in England, as was also the case with regard to Clive and Warren Hastings, and rendered him an object of general detestation. Supported in everything by his colleague Vaughan, he put in practice the same modes of extortion to enrich himself and his officers as were afterwards practised by Buonaparte and his marshals and generals in the present century, although this will now hardly be believed by those who were not themselves witnesses of it, because it spoils the effect of the poetry of war. The most extreme severity and the most cruel extortion were exercised respecting the property

and even the persons of rich private individuals; money, wares, ships, every kind of property was taken away from the owners without any further ceremony, and very many were first robbed of their goods and afterwards obliged to leave the island. English, French and Danes speculated on the robbery, and hastened to buy, as birds of prey hasten to the place where a wild animal has been killed; for Rodney and his colleague, in order to get money quickly, sold the property, of which they had robbed the state as well as private individuals, and which was estimated at about thirty or forty millions (of florins), for the fourth part of its value.

This system of open robbery did more harm to the English merchants than to any others, inasmuch as they particularly had taken advantage of this neutral market. Those British merchants in the West Indies who had entrusted their property to the Dutch merchants in St. Eustatius, and the inhabitants themselves, so cruelly and unjustly banished, who were dispersed over the English islands, raised up accusers, and even powerful speakers in parliament against the two robbers. Burke spoke almost as violently in parliament against Rodney and Vaughan as he afterwards did against Warren Hastings; the English admiral and general did then as Buonaparte and his marshals afterwards did: they pocketed the money, made the most of it, and laughed at all philanthropical speeches and accusations. We shall give in the note the answer which Rodney returned to his countryman, the British solicitor-general of St. Christopher's, on the occasion of a memorial which the latter handed in to him on behalf of the English merchants; it will be seen from this, that the language of Rodney in St. Eustatius was precisely similar to that used by marshals Soult and Augereau in Spain.\*

\* The British solicitor-general of St. Christopher's says, in his memorial to Rodney and Vaughan on the subject of their entirely unlawful proceedings at St. Eustatius,—“That if, by the fate of war, the British West India islands should fall into the hands of an enraged enemy, the conduct in St. Eustatius would be a pretext for them to retaliate; that the conquerors of all civilized countries had avoided the invasion of private property; that the generosity of the enemy had been very conspicuous; and even in the case of Grenada, which had been taken by storm, the rights of individuals had been held sacred; that Eustatius was a free port, and the rich and various commodities found there were far from being the sole property of the Dutch; that a great proportion of it belonged to British subjects; and that previous to the declaration of war, the trade to Eustatius was strictly legal, and the officers of his majesty's customs cleared out vessels from all ports of Great Britain and Ireland for this island. And not merely the legality, but the propriety of this trade was

The Dutch settlements on the coast of the continent of South America, the principal of which was Surinam, namely, Demerara, Paramaribo and Essequibo, which surrendered immediately without being summoned so to do, had to thank the unanimous disapprobation, which had been the consequence of Rodney's behaviour in St. Eustatius, for being treated with more leniency. From this moment, the seven united provinces entirely disappeared from the number of those states which had any authority or influence in Europe; they became dependent on the favour of foreign states, because they were driven out of their East Indian possession after having given up all their West Indian settlements without attempting any opposition. In the East Indies, one settlement, one fortress, one island after another was taken from them; their merchant-vessels durst not show themselves anywhere; their fleet was useless, and even their trade with the Baltic was obliged to be given up, because their ports were watched by English vessels.

In the same proportion as the Dutch naval force became entirely useless, inasmuch as the hereditary stadtholder and the guardian, whom he had himself chosen, wished only to increase the land force, the estates, on the other hand, only the naval force, and both therefore remained *in statu quo*, the French fleets in every sea appeared to increase in importance and to be able to compete with the English. In the West Indies a considerable fleet was stationed, commanded by Rodney and three other admirals; notwithstanding this, the French not only attempted to recover from the English what they had taken from the Dutch, but even ventured an attack on the English possessions themselves. De Grasse sailed from Brest on the 22nd of March 1781 with one of the most numerous fleets that has ever been fitted out by France (twenty-five ships of the line and the *Sagittaire* of 64 guns), accompanied by a fleet of from 200 to 300 transport-ships, which had all sorts of necessaries of war, besides heavy artillery, and 6000 men on board. Rodney sent admiral Hood against

confirmed by the conduct of his majesty's naval officers in those seas: for if the king's enemies were supplied by the trade of his subjects to Eustatius, they were also supplied through the same channel by the sale of the prizes captured by his majesty's ships of war." To this Rodney answered, in words worthy of a Barbarossa, or of a Mehemet Ali, "That he had not as yet leisure to peruse the memorial, but that the island of Eustatius was Dutch, everything in it was Dutch, everything was under the protection of the Dutch flag, and as Dutch it should be treated."

De Grasse with orders to attack the fleet, but the latter avoided every opportunity of an engagement, in order to be able to land his troops safely in Martinique. On the 28th of April he avoided a battle; on the 29th an engagement took place, but the French suffered very inconsiderable loss, and the English did not find it advisable to attack them again.

The troops which De Grasse had brought from France were afterwards landed on Martinique; it was asserted however, and we shall not decide upon the point, that De Grasse was not capable of commanding large fleets or conducting great undertakings by sea; on the other hand, the marquis de Bouillé, the governor of Martinique, gained great credit by his expeditions. He first attempted a landing in St. Lucia in May, but afterwards abandoned this design, and obtained possession of Tobago on the 2nd of June, at the very moment in which the British fleet appeared for the protection of the island. De Grasse sailed to the coast of North America immediately afterwards, where he arrived at a most favourable time, as we have already stated, and was of essential service to his countrymen and the North Americans against lord Cornwallis. This took place in the month of October, and in November the marquis de Bouillé made an expedition against St. Eustatius, which, by the contrast between his conduct and that of the English commanders on their capture of the same island, was more honourable to him and his nation than the most glorious victory in the field, inasmuch as on this occasion he and his officers proved that their courage was that of knights, not of robbers.

As for Rodney himself, he had been compelled to return to Europe on account of the state of his health, and the remaining garrison of St. Eustatius had given themselves up to voluptuousness, in the fancied security of their position. Bouillé was apprised of this, and resolved to take advantage of it, and the English allowed themselves to be surprised in a most incomprehensible manner. Bouillé landed a few hundred men in a somewhat unfrequented spot, and the English neither perceived the boats by means of which the landing was effected, nor the soldiers themselves till the latter arrived in the town; all opposition was then useless, and the more so as the garrison was not assembled, and as the commander, Cockburne, had allowed himself to be surprised and taken prisoner. In this manner the island was



recaptured by the French without the loss of a single man; the 700 English who composed the garrison were made prisoners. Bouillé was noble enough to employ the immense booty which he obtained (because the greater part of the property which had been taken away from the inhabitants still remained in the island) in reimbursing the banished inhabitants as far as possible, and, as a contrast to Rodney and Vaughan, he even allowed the English commander and officers to retain the sums which they claimed as private property\*. He stated at the same time openly, that he should only retain possession of the island until a sufficient number of Dutch troops should be sent out, to whom he would immediately resign it. That part of the booty which Rodney had shipped on board of twenty vessels, to be conveyed to Europe, was also principally retaken from the English, as La Motte Piquet, who commanded the *Hannibal*, ship of the line, had shortly before captured the most of these vessels.

In the beginning of the following year (1782) the Dutch colonies of Surinam, Demerara and Essequibo were freed from the power of the English by the French, because the Dutch were unable to send either troops or ships of war to the West Indies; the Spaniards, on the other hand, made astonishing exertions in this year. The French fleet under De Grasse had returned immediately from its cruise to North America, but had remained some time in Martinique to refit the vessels and to refresh the men; they then sought out the English fleet, which was lying in a harbour of the island of Barbadoes, and finally appeared off St. Christopher's in January 1782. De Grasse had then with him thirty-two ships of the line, on board of which was an army of 8000 men under the marquis Bouillé, with artillery enough to have bombarded a very considerable fortress: the expedition was not however directed against any regular fort, but merely had for its object the capture of a strongly fortified hill (Brimstone Hill), which was vigorously defended by general Prescott. On this occasion the English manifested their superiority in all cases where the matter depended on skill and experience in naval affairs; for in these respects, as well as in the mechanical arts, in activity and perseverance, no nation can be compared with

\* The whole affair was so remarkable, and the fact of Cockburne's being taken prisoner, as well as the capture of the citadel, so inexplicable, that these payments were afterwards interpreted very much to the disadvantage of the commander.

them. De Grasse was lying in the harbour of the island; he allowed himself to be drawn from his position by admiral Hood, and was unable to prevent the latter from skilfully running in between his fleet and the island, and from entering the harbour. De Grasse afterwards vainly endeavoured to recover his former position and to dislodge the English: his attack was three times repulsed.

Bouillé was more fortunate on land than De Grasse at sea, for he, immediately after landing, captured eight 24-pounders, 6000 cannon-balls, two metal mortars, and 1500 bomb-shells, which had been landed by the English, but not yet conveyed to the hill: he then commenced a regular siege, according to the rules of war, and fired on a space of about 200 rods square with twenty-three pieces of heavy artillery and as many mortars, so that admiral Hood soon perceived that Prescott, whom he had landed, could not by any possibility long maintain his position. Hood left the harbour, and Prescott was obliged to capitulate on the 13th of February 1782. The islands of Nevis and Montserrat were also taken by the French. Rodney's return on the 19th of February however entirely changed the state of affairs in the West Indies; the English again obtained the superiority in the American archipelago, after however having lost to the Spaniards Pensacola in West Florida, which had been ceded by the latter according to the peace of Paris.

The Dutch at this time laid the blame of the losses which they had suffered in the East Indies, and of the bad condition of their shipping, entirely upon their government, and the partiality evinced by them for the English. The displeasure against the duke of Brunswick, who, as a stranger, was more blamed than he would otherwise have been, was afterwards very much increased by the complaints made by the brave commanders of the fleet which was opposed to the English at the entrance of the Baltic, in respect to the very bad condition of their ships, and to the promotion of officers, not according to merit, but favour. The trade with the East and West Indies was almost entirely annihilated, and even in the Baltic the Dutch were obliged to trade under false colours, so that in the year 1780 2058 Dutch ships passed through the Sound, in the year 1782 only six. About the same time the East India Company, to which Holland was indebted for much of its splendour, was very much broken up; the Dutch possessions on the west coast of

Africa were lost, and Ceylon and the Cape of Good Hope were only rescued by the French admiral Suffrein, who was gaining glory in the eastern seas, whilst De Grasse was being defeated in the West Indies by the English admirals.

The divisions in the Netherlands, which began to show themselves in the last years of the war, served as the forerunners of the revolution which broke out immediately after the peace, and foreign nations treated the Dutch in an indifferent or contemptuous manner, because the latter were too weak to be able to resent such treatment; the French alone did everything in their power to connect the republican party closely with France. The only return the Dutch received from Catharine for their offer of accession to the armed neutrality was a mediation and intercession for Holland on her part; nothing but words therefore: that she had no intention of acting was sufficiently apparent from the fact, that in her confidential conversation she treated the whole affair of the armed neutrality as one to which no effect was to be given, and even applied to it the denomination of *armed nullity*\*. Not only were the Dutch newspapers loud in their complaints of too intimate a connexion between the court of the hereditary stadtholder and that of St. James, but also the states of Holland, or rather their leading minister, and particularly the burgomasters of Amsterdam, made all sorts of accusations, true as well as false. Open feud, which had the effect of preventing every energetic measure, existed between the two parties. The minister of the states-general, or, as he was called, the pensionary of the council, Van Bleiswyk, remained neutral, or perhaps worse, between the government and the Amsterdam party.

The quarrel between the patriots and the party of the prince, which had begun before the declaration of war, continued with equal violence after the commencement of the war itself. The states had wished before the beginning of the war to unite with France; the government did not wish to break entirely with England. The stadtholder demanded money for the land army; the states, on the other hand, required ships to be built; their progress was retarded however by the machinations of the stadtholder. After the commencement of the war a regular split took place. The city of Amsterdam proposed in May 1781 that a

\* The authorities for this are to be found by any one who wishes to make use of them in the Appendix to the Annual Register for 1781.

commission should be appointed by the states-general, to inquire into the reasons of the slowness with which the naval preparations were advancing. They even went so far as publicly to express their want of confidence in the prince, and more particularly in duke Louis Ernest, of whom the prince said, that notwithstanding the clamours of the opposite party, he honoured him as if he were his father. They finally demanded that a committee, to be appointed by the states-general, should be associated in the government with the prince, who was evidently too well-inclined towards England. This committee was to be empowered to treat with the northern powers in reference to the armed neutrality, and with France concerning a more intimate connexion with that country. This proposal was not indeed adopted, but the two burgomasters of Amsterdam, Rendorp and Temmink, declared formally and officially to the prince, at a private audience, in the presence of the pensionary of Holland (Vischer), that his whole conduct would continue to be suspicious in their eyes as long as the duke of Brunswick remained about him.

This declaration was not merely a violent expression of feeling on the part of the two burgomasters, but was made in the name of the city of Amsterdam and the province of Holland, the minister of which, Vischer, was therefore present at the audience. The duke felt himself deeply aggrieved by this proceeding, and handed in a memorial to the states-general, in which he used very severe language in reference to it. We shall quote a passage from this memorial in the note\*.

\* This memorial (as well as the trial of lord George Gordon) is to be found in the Appendix to the Annual Register for 1781, and we shall only here quote the passage in which the duke refers to the strong expressions of the burgomasters respecting himself and his quarrel with the pensionary of the council: "They felt themselves compelled," they said, "to declare to his highness, that according to the general opinion the duke was considered to be the original cause of the wretched and unsatisfactory state of defence in which the country at present was, of all the delays which had taken place, and of all the measures which had been adopted for some considerable time, as well as of the unhappy consequences which had resulted from these measures; they felt themselves called upon to assure his highness at the same time, that the hatred and dislike of the nation to the person and ministry of the duke had reached their highest point, and that the most unpleasant consequences to the general welfare and quiet were to be anticipated." And in another place: "That it was far from their intention to accuse this gentleman of all that was generally laid to his charge, or to consider the suspicions of a too great or illegal devotion to England, or of treachery and corruption, as well-grounded; that they were fully convinced that a gentleman of such high birth and rank



From this time forward the two parties, the Orange party and that of the patriots, were to be considered as at open war. England and the princess incessantly added fuel to the flame of dissension, and the sea-fight off the Doggerbank gave the patriots a suitable pretext for new accusations and complaints. A small squadron had been at length fitted out in 1782, which was destined, under the command of admiral Cornelius Zoutmann and commodore Kinsbergen, to convoy a fleet of seventy-two merchant-vessels bound for the Baltic. The equipment of the fleet proceeded so slowly that a delay of three months intervened before the ships could sail, and even then they were in no very good condition.

An English fleet under Hyde Parker was lying off Elsinore to attack the Dutch; the English sailed into the Cattegat to meet them, and the two fleets met on the 5th of August, in the neighbourhood of a sand-bank called the Doggerbank. This battle with the Dutch, among whose fleet there was also an American ship of war of extraordinary length and an uncommon build, was the most severe which was fought at sea in the course of the war. The Dutch did not indeed gain a victory, but were still much encouraged by the result of this engagement, for all the cities and towns illuminated, and the newspapers of all the seven provinces boasted that the times of the Opdams and the De Ruyters were not yet quite gone. The ships did not begin to fire until within pistol-shot of each other; the firing was continued above three hours with extraordinary violence and perseverance on both sides, until neither fleet was in a condition to continue the fight. The only advantages which the English gained were, that the Dutch merchant-vessels were compelled to return to the Texel along with the ships of war, and that a Dutch ship of the line sunk before reaching the harbour. The three commanders of the Dutch fleet, Cornelius Zoutmann, Kinsbergen, and Van Braam, were honoured and praised by the people in Holland as if they had gained a complete victory, and the government took pains to distinguish in every possible way the heroes whom the people almost worshiped: they complained notwithstanding, that the fitting out of their ships as

was entirely incapable of such meanness; that they were of opinion however, that the unfavourable opinion of the duke, which had unhappily become general, and had excited a universal want of confidence in him, had rendered him useless, and even productive of harm to the service of the country and of his highness."

well as the ships themselves had been bad. It must be confessed also, that the orders given by the government of the hereditary stadtholder to the commanders by land and sea, who received their orders immediately from him, were very equivocal. The rage that inspired the combatants at the Doggerbank may be partly judged of by the fact, that many of the English ships fired upwards of 2500 shots during the engagement.

Sir Hyde Parker, who was received in England with the same signs of rejoicing as had been shown on the arrival of Cornelius Zoutmann in Holland, was as little satisfied with the English government and admiralty as his opponent was with that of the Dutch: inasmuch as Parker's discontent was well known (for he complained openly of the ships which had been given him, and of the mode of regulating promotion in the navy, according to which the ministry regarded nothing but the family influence and connexions of the officer in question), the king was prevailed upon to give him an extraordinary and very remarkable proof of his high opinion. King George III. was not born and educated like his son George IV., to represent the splendour of knighthood and the majesty of kingly power in his own person on particular occasions; he was not certainly on the other hand so deeply sunk, morally speaking, as his son; he had no pleasure therefore in appearing in public as king. In his family, in church, in his agricultural occupations and astronomical amusements, he was for Herschel a kind of divinity, and enchanted Lichtenberg by conducting him personally over his palaces and domains and explaining everything to him; but he only figured in state affairs when it was absolutely necessary. He made an exception however in favour of Hyde Parker. He himself, accompanied by the prince of Wales, went to the place where the admiral was lying with his ships\*; he visited him on board of his vessel, but did not find him as much inclined to be pleased by this honour, as commanders, whether by sea or land, generally are. The old sailor rather roughly refused all proofs of the royal favour, and loudly and openly complained of the admiralty.

\* This scene, which is unique in English history, and may be classed with the speech of the lord-mayor Beckford to the king, on the occasion of the solemn audience, took place on board the *Fortitude*. This vessel, as well as the rest, was lying at the Nore to be repaired; the king sailed down the Thames therefore to visit the admiral on board his ship. The old sailor answered the compliments of the king with the words, "He wished his majesty better ships and younger seamen; for himself, he was too old for service." He took his leave immediately afterwards.

## § III.

ENGLISH HISTORY.—NAVAL WAR.—SIEGE OF GIBRALTAR.—  
MINISTRY TILL PITT'S INDIA BILL IN 1784.

The events in North America, and particularly the capitulation of lord Cornwallis in Yorktown, the expeditions of the marquis Bouillé in the West Indies, the defence of the Dutch possessions in the East Indies by the French admiral Suffrein, were all made matters of blame against the English admiralty; all the best naval officers were discontented. The more definite matters of complaint were the want of ability of the first lord of the admiralty, and that of the secretary of state for American affairs. Even lord North, obstinate as he was, acknowledged that he should be obliged to give up some of his colleagues were he to continue to endeavour to carry out his principles, confidently relying on the support of the king, who indeed did not desert him till the last moment. A man who had such an extraordinary talent for conducting the machine which is called the English government, perceived in 1781 that it would be difficult indeed to find new wheels and springs, without giving up the machine to another engineer and retiring himself. This was shown by the stormy sittings towards the close of the parliament of 1780, particularly the last of all.

This parliament, the last sittings of which had been so stormy and of such a threatening character, was dissolved in September 1780; and it was necessary to make use of extreme measures to secure even an absolute majority for the ministerial party in the new parliament, which met for the first time in October. Among the various means employed for this purpose by lord North and his colleagues was one which has since been adopted in France with similar effect; the richer classes of society were thrown into a state of anxiety respecting their property by a report which was industriously circulated among them, that at the time of the riots in London Wilkes had been at his post, and Fox had disguised himself and mixed with the mob, exciting them to further outrages. The less such a report could be proved or disproved, the more it was spread abroad. The danger of the state also and that of the coasts, which rendered a sort of military order necessary, was made use of to prevent the opponents of the ministry from voting. Every civil officer

was required to be at his post on pretence that danger was impending, and hundreds were kept away on military duty, inasmuch as they were then serving in the militia. Notwithstanding all this, the two men, who from their influence and property, by means of their clients and relations, had long been the principal opponents of the ministry, namely Rockingham and Shelburne, of whom the former particularly professed liberal opinions, and endeavoured to introduce liberal members into parliament, at the opening of parliament not only found all their old friends, who had been distinguished for eloquence, but two new ones were added.

The two men who strengthened the opposition against lord North in the new parliament, and from this time rose to a high degree of importance in England and consequently in Europe, were Sheridan and William Pitt, the younger son of the earl of Chatham. The former of these, after shining for a number of years as an orator and a poet, died in the present century in a state of misery not entirely undeserved; the latter lived as the protector of aristocratic and monarchical Europe, and died in full possession of the royal power, which he had enjoyed from 1784. Both made their appearance at the same time in the year 1781, but under different colours. Sheridan joined Rockingham's friends, particularly Fox, and was as violent as the latter; Pitt, as lawyers and diplomatists generally are, suffered himself to be guided by circumstances, for he did not seek for England freedom, economy and sober family happiness, but riches, influence, power, splendour, and consequently aristocracy. Pitt more nearly agreed with Shelburne in his opinions, but did not serve under him; he spared the name of the king, whom Fox treated very rudely; for he purposed to found his own power and that of his friends upon the name of the king, and he fully accomplished his purpose.

Both Sheridan and Pitt made their first appearance as speakers in February 1781, but with very different results; because Pitt, born and educated for a skilful diplomatist and wary statesman, although then only twenty-two years old, knew how to choose the proper subject, as well as the proper time for speaking; Sheridan, however, did not. The latter was certainly even then acknowledged to be a man of talents; but the more far-sighted perceived at the same time that he was merely a good speaking-trumpet, such as could be used when the house wished to amuse and de-



ceive itself and the people by words during a tedious deliberation. He took the same side as Fox, and shone by his wit, which however, as generally happens in such cases, frequently degenerated into mere punning. Sheridan therefore, by his flickering light, was often very useful to cheer and enliven the gloomy bombast of Burke's speeches. Pitt, on the contrary, showed himself to be a prudent statesman and man of business, declaring himself sometimes for, sometimes against, the court, whose favour was too necessary for his designs to allow him to neglect it entirely, but never allowed himself to be misled in practice by any theories, and was consequently a man exactly suited to king George III. Sheridan was not at all suited to the king, but seemed born to be the companion of the prince of Wales, which he afterwards became. Sheridan was a literary man; he wrote plays, and had at the time some reputation as a dramatist, a writer, an acute and prepossessing speaker, and as an agreeable companion; and he would probably have continued to enjoy this fame, had he not latterly sunk so low by his love of dissipation: but he never was, and never could have been, a statesman or a diplomatist. Pitt was entirely a practical man, had exactly as much honesty and conscience as are necessary for a statesman of the nineteenth century, and not an atom more; and his style of eloquence was one entirely suited to his character.

Both Sheridan and Pitt came into parliament by those means which were employed by the more influential families to introduce into parliament men of talents, who were to be made useful to their party; they were elected for so-called rotten boroughs: Pitt was only enabled, after having become prime minister, to free himself entirely from his dependence on the family which had given him a seat in the house. Sir James Lowther at this time supplied the English people with several members of that assembly on which its government and legislation depended; that is, he had the power of nominating members of parliament for several of the rotten boroughs; and young Pitt was thus elected member for the borough of Appleby. He was unable therefore to make his appearance immediately after the opening of parliament, because Sir James wished first to be sure that the borough was not required for some member of the Lowther family who might happen to lose his election for some other place.

Fox had begun the session by a long speech made in November 1780, on the subject of the troops having been used against

the people during the "No Popery" riots by royal command alone, but had found little attention: Sheridan committed a great error therefore in choosing the same subject for his first speech, in order to prove the liberality of his sentiments. This first speech, made in February 1781, was therefore considered, and justly, as one which might be referred to in recommending the speaker as a rhetorician or as an actor, but not as a statesman. With Pitt it was quite otherwise: he attached himself to Burke, who at that time was amusing and making fools of the people by proposing reforms, such as the abolition of sinecures and offices which had been created merely for the advantage of the ministers, and to increase the number of their clients. Neither Burke, nor Pitt who supported him, had any intention of making even the most trifling change in this respect, as they both abundantly proved in the subsequent course of their lives; but no one knew this at the time: the subject therefore was well chosen in a diplomatic point of view. Burke had, in the very beginning of the new session (towards the end of 1780), expressed himself with great warmth on the subject of some glaring abuses in the civil list, which even lord North could not deny. He had at that time proposed a remedy for the extraordinary waste of the public moneys, and a reform in the management of the civil list; he renewed this proposal in February 1781, after Pitt had taken his seat in the house, and the latter supported his motion. Every one was astonished that a young man of twenty-two years of age should have attempted in his first speech rather to display practical and solid talents, than such as were calculated to dazzle and make an impression. Every one admired his depth of thought, his dignity and moderation,—the force of a speech directed merely to the understanding and disdaining every external ornament. At that critical time, when the fall of the ministry was already expected, Pitt's answer to lord Nugent was particularly admired. That nobleman, in his answer to Burke's speech, had excused the waste of the public money, which he could not deny, by the aristocratic remark, that if Burke's reforms were introduced, the whole of the saving would be some couple of millions of florins (£170,000), a sum which, in proportion to the yearly expenses, was very inconsiderable. This passage in Pitt's speech against lord Nugent is particularly remarkable, as being the words of the conservative minister of George III., who has been considered the ideal of diplomatic wisdom even to our century. The same

man speaks here in defence of the rights of the people, and opposes the civil list ! The most remarkable part, however, is that while defending the rights of the people and attacking the civil list, he expressed himself in such a manner as to admit of his practising at a later period the very contrary of that which he then advocated\*, without remarkably contradicting himself, as Burke did.

In the autumn session of 1781, a considerable number of those members of the house who considered Burke far too theoretical and rhetorical and Fox too revolutionary,—men who wished to turn out the existing ministry, but were unwilling to make the slightest change in existing arrangements, joined Pitt. It is to be perceived in Pitt's speeches, that, although defending the same cause as that of Burke and Fox, he carefully spared the person of the king himself, and even gave indications of his willingness, like other tories, to cover the aristocracy of the rich with the splendour and majesty of royalty, and to protect them by this means. He therefore, as a member of the opposition, employed an entirely different tone from that of his father, whose zeal and enthusiasm against lord North were not those of a statesman and diplomatist, and proceeded not from prudence but from conviction ; and equally removed from that employed by Burke, who at that time manufactured loud-sounding speeches in favour of freedom and justice, as he did ten years later in favour of a hierarchy, the feudal system, and the maintenance of all the old abuses. Two days before the opening of this autumnal session, which was fixed for the 27th of November, the news arrived in London of the capitulation of lord Cornwallis's army in Yorktown, and in the following December we see lord North engaged in considering the means of getting rid of some of his colleagues

\* His words are : " What is the conclusion we are left to deduce ? The calamities of the present crisis are too great to be benefited by economy. Our expenses are so enormous, that it is useless to give ourselves any concern about them ; we have spent and are spending so much, that it is foolish to think of saving anything. Such is the language which the opponents of this bill have virtually employed. It has also been said, that the civil list was an irremisable parliamentary grant, and it has been compared to a private freehold. The weakness of such arguments is their best refutation. The civil list revenue is granted to his majesty, not for his private use, but for the support of the executive government of the state. His majesty in fact is the trustee of the public, subject to parliamentary revision. The parliament made the grant, and undoubtedly has a right to resume it, when the pressure of the times renders such resumption necessary. Upon the whole, I consider the present bill as essential to the being and independence of this country," &c.

without exciting observation; one of them indeed, a Scotchman, who from this time remained a firm adherent of Pitt's, gave indications that the ministry, who had so long provided for him, were not much longer to be relied on.

This Scotchman was Dundas, then lord-advocate of Scotland, who afterwards under Pitt played a very considerable part in the affairs of India, and at a later period, under the title of lord Melville, obtained a sort of notoriety by no means creditable to his own character, or to that of the English aristocracy of the time. This man, even in December, gave hints from the ministerial benches that some change in the ministry would be necessary, in order to be enabled to carry on negotiations with Holland and with America, and at the same time referred to Pitt as a man who possessed prudence and talent enough both to please the king and to be useful to the people. Dundas in his speech acknowledged Pitt to be a precocious political genius; and praised him as the inheritor of his father's talents, and as being possessed of considerable ability as a speaker. The lord-advocate of Scotland was joined by another member of the ministry in the middle of December. This was Rigby, the paymaster-general of the forces; and these two publicly inquired of the prime minister in parliament if the report were true, that he and lord George Germaine were no longer of the same opinion? The prime minister did not indeed answer this question in the affirmative, but he left his seat without answering the question at all; and the secretary for American affairs found it advisable to resign in January 1782.

When lord George Germaine resigned his situation in January, he was raised to the peerage by the title of viscount Sackville: the new peer however, as well as the members of lord North's ministry who still retained office, and the king himself, received an insult on this occasion. A considerable number of the peers, in whose company lord Sackville was to sit in the upper house, proposed at first that he who had been condemned by a court-martial for his conduct in the field as a general officer in the seven years' war should be declared unworthy to sit among them. When this motion was not carried, they made a formal protest against his creation, and entered it on the proceedings of the house\*. Lord North however was not a man

\* Because a court-martial had pronounced his conduct at the battle of Minden to be such as rendered him incapable of serving in the British army



to allow himself to be frightened into doing anything of which he disapproved, or to be drawn from his dry and phlegmatic humour, which enabled him to treat with contempt every measure which had not some definite practical object. He was unable to find any one of consideration willing at this moment to enter his storm-tossed vessel, but Ellis, who had been once before in the ministry, consented to accept the office which lord George Germaine had not been able to retain. The two different sorts of persons who, under Rockingham and under Shelburne, formed two entirely distinct kinds of opposition, at last united against the ministry, and attacked lord Sandwich in February, in order to destroy it in detail. On the 23rd of January previous Fox had moved, that the house resolve itself into a committee to consider the conduct of the earl of Sandwich during the time of his administration of the office of first lord of the admiralty. Lord North and lord Mulgrave attempted in their speeches to defend their colleague, but did not virtually oppose the motion. On the opening of this inquiry in February, Fox delivered one of his most remarkable speeches. In this speech he passes in review the whole history of the naval war and of the management of the admiralty from 1777 to 1781, in order to ground upon this review the motion with which he concludes:—"that this house do declare the result of the inquiry instituted by its committee to be, that in the year 1781 gross mismanagement took place in the direction of the naval affairs of Great Britain." This first motion, which from its nature was calculated to criminate the whole ministry, was only rejected by a majority of 22 (the numbers being 205 and 183); and the result was, that several other members of the ministry as soon as possible followed the example set them by Dundas and Rigby in 1780. The conviction that the ministry was much weakened by these losses, induced Fox to repeat the motion which he had made when the house was in committee, after it had re-assembled in its usual form, and when deliberating on the same subject.

A hard struggle ensued in parliament when Fox moved, on the 20th of February,—“that this house considers the earl of Sandwich guilty of gross mismanagement of the naval affairs of Great Britain,” and the ministerial majority of 19 (the numbers

in future, his being raised to the peerage was designated “a measure fatal to the interests of the crown, insulting to the memory of the late sovereign, and derogatory to the dignity of that house.”

being 236 and 217) could hardly, under the circumstances, be considered equivalent to an acquittal. Lord North now endeavoured to persuade his colleague to give up the contest, and to accept a pension and the order of the garter ; but in vain ; he persisted in retaining his position. Hardly forty-eight hours after the conclusion of the contest respecting the first lord of the admiralty, general Conway moved,—“that the house humbly prays his majesty to desist from all further attempts to subdue America by force.” On this motion ministers had only a majority of *one* in a sitting at which 390 members were present ; it was therefore to be foreseen that the motion would shortly be repeated. This happened towards the end of February, and the ministry on this occasion was outvoted by a majority of 19. Even this failed in producing any effect on lord North, who relied on the obstinacy of the king, and on his own connexions and skill. The opposition therefore made use of every means in their power, not only against the minister, but even against the king himself, whose influence was visible in the background.

This contest, and those which followed it, are of much more importance than the general quarrels of parties for possession of the ministry and the distribution of the advantages of power : the point at stake was not on this occasion the mere change of the ministry, but the removal of the influence of the king and his creatures, which had been continually causing fresh complaints since the accession of George III. A sort of revolution was to be effected ; the king was to a certain extent to be entirely removed from the direction of affairs, and to be compelled to endure persons who were disagreeable to him, not only in the offices of state, but even in offices connected with the court : the parliament therefore commenced a formal war. To the request of the parliament, that the king would be pleased to put a stop to the American war, lord North caused a friendly but evasive answer to be given : the parliament immediately replied by a threatening resolution against the ministers\*. From this moment lord North probably perceived that his continuation

\* The king had replied, “That in pursuance of the advice of the house of commons, he would assuredly take such measures as should appear to him conducive to the restoration of harmony between Great Britain and her revolted colonies.” The resolution of the house against the ministers on the 4th of March runs thus : “that the house would consider as enemies to his majesty and the country all those who should advise a prosecution of offensive war on the continent of North America.”

in office would be impossible, especially after so many had turned their backs to the setting sun that they might bask in the beams of the rising one; he therefore merely continued the contest in order not to leave the king alone. The latter judged, and rightly, that if his minister could only hold out till the end of March, when the vacation began, even Fox would not dare to refuse the budget in the midst of war. If lord North could have held out till the 28th of March, six months would have been gained: the leaders of the opposition knew this very well, and never slackened in their attacks for a single hour, but became every day more violent.

The violent motion of the 8th of March had been rejected by a majority of ten; a second followed on the 10th, and was rejected by a majority of nine votes. The opposition next had recourse to a means which had been practised with success during the trial of Strafford under Charles I. Lists were printed and distributed in the country, in which the names of all those who had voted on each single motion were set down, the ministerial members in red, the opposition members in black, in order to expose the former to the hatred and insults of the populace. On the 18th, Sir John Rous proposed that the parliament should publicly declare that the ministry, in consequence of the repeated losses by sea and land, and of the debts which they had brought upon the country, had entirely lost the confidence of the house. The motion was rejected by a majority of *one*; the earl of Surrey however announced that he should repeat it on the 19th. All London looked with anxious expectation to the debates which would follow this motion, when lord North gave way before the tumults which awaited him in the succeeding ten days. He appeared in the dress in which he had just come from the king on the 20th, in a very crowded house, with his general calmness, presence of mind and quiet humour, and declared, to the surprise and astonishment of all, that there was no occasion to commence a debate on the motion made on the 19th, as he had just tendered his resignation, and some days were necessary to organize a new ministry.

This time the king was the person who suffered most by the change in the ministry, inasmuch as he had identified his own cause with that of lord North, and was now obliged to be brought into close connexion with individuals who were at least disagreeable to him, and some of whom personally he very

much disliked, as for example Fox, or rather Rockingham and his whole party. King George was therefore very much vexed at the conduct of lord North, and considered himself betrayed by him because he had not continued to hold out. The king would have wished, under the circumstances, to have been able to take Shelburne into the cabinet along with those who belonged to his party, particularly because lord Chatham's son, as well as several other members of his party, were among the number; but Shelburne did not feel himself strong enough to undertake the government without Rockingham. The king, thus deserted in the midst of war, was therefore obliged to be content with an extraordinarily composed ministry, and was even obliged to submit to much personal vexation in the arrangement of his household. In the note we give the names of those who composed the cabinet from March till June\*; and it is to be observed that the various offices were distributed among Rockingham's and Shelburne's adherents, who had however previously professed opinions differing very much from one another. The government, properly so called, consisted of eleven members, instead of the nine who had formerly composed the cabinet. The appointment of Sheridan and Fox as secretaries of state must have been very displeasing to the king, and Burke, who at that time was distinguished by a kind of republican eloquence, must have been very disagreeable to him as paymaster-general. Rockingham became first lord of the treasury; Fox and Sheridan secretaries of state, the one for the home department, the other for foreign affairs. Lord Thurlow alone retained his office of chancellor: feelings of jealousy had very nearly arisen between the two chiefs of the ministerial party on the occasion of a favour granted to one of them by the king. The king had raised Mr. Dunning, towards whom he had previously been well-disposed, to the dignity of a baronet, at Shelburne's request: Rockingham was so much offended at this, that he insisted on the king's conferring a similar favour on a person whom he should recommend, and that too at a time when it was not usual

\* Rockingham, first lord of the treasury; Fox and Sheridan, secretaries of state; lord Camden, president of the council; the duke of Grafton, lord privy seal; lord John Cavendish, chancellor of the exchequer; admiral Keppel, first lord of the admiralty; general Conway, commander-in-chief of the forces; the duke of Richmond, master-general of the ordnance; Thurlow, lord chancellor; Dunning, whom the king had created baron Ashburton to please Shelburne, was chancellor of the duchy of Lancaster.



to confer similar honours. It was thus impossible for Pitt to obtain any place in this ministry at all suitable to his talents or his claims. The most revolting point in the new ministry undoubtedly was, that Rockingham's republican followers, by the entire change which they introduced into the household and daily society of the king, who at least deserved every respect as the father of a family and as an amiable private individual, to a certain extent purposely acted contrary to his wishes\*.

The new ministry was obliged immediately to fulfil the promise which had been made by the chiefs of the party when in opposition, by commencing negotiations with the Americans and the Dutch. Both of these powers however naturally refused to commence negotiations as long as only a particular peace was offered them, inasmuch as the mere commencement of such negotiations would have separated them from their old friends and thrown them into the arms of their bitterest enemies and rivals. Fox, it is true, through the mediation of the Russian ambassador in London, offered the Dutch more advantageous terms than were afterwards proposed to them: he offered to renew the treaties of 1674; but the patriotic or republican party had gained the ascendancy in the Netherlands, and had too much dependence on France, which had already rescued Ceylon and the Cape of Good Hope for the Dutch, to withdraw suddenly from the alliance with that country. As regards the Americans, the ministry had publicly declared in parliament that they were prepared to acknowledge the independence of the thirteen provinces of America, and had sent admiral Digby and Sir Guy Carleton to that country, in the belief that these gentlemen enjoyed the confidence of the republicans; their offers however were not accepted, because the fortune of war, though favour-

\* We shall not attempt to go further into the private history of the court, nor take up space by enumerating all the names of the king's household officers; we shall only notice one or two offices, the change in which must have been peculiarly disagreeable to the king. The earl of Hertford had been fifteen years about the king as lord chamberlain, he was now obliged to retire from his office. The earl of Effingham,—the same who, during the riots of 1780, where Fox had only played a suspicious part, had behaved in a most disgraceful manner,—was made treasurer of the king's household. Even the old lord Bateman, a man of seventy years of age, to whom the king was particularly attached, was not allowed to retain his nominal office of master of the buckhounds. Gibbon also, who, we may remark, had allowed his pen to be used in preparing the manifesto against Spain, lost his sinecure at this time; for Burke, although he did as little as possible in the way of reform, yet for appearance sake was obliged to do something towards it.

able to the English in the West Indies, was unfavourable to them in most other points.

In the West Indies Rodney's triumph and the rejoicings of the English, the fruits of which the new ministry reaped without having sown the seed, were so much the greater, as the authority of the English in those seas had been materially weakened before the return of the admiral. When Rodney returned on the 19th of February 1782 with a reinforcement of ships, and again took the command of the whole fleet, the English had lost all their possessions and conquests, except Antigua, Barbadoes and Jamaica, and the French and Spanish fleets were to unite to protect a landing in Jamaica, in order to deprive the English of this their most important settlement. The union of the two fleets had not then taken place, and the French fleet alone was not equal in number to that of the English, whatever English historians may have asserted to the contrary; the French therefore sought to avoid an engagement before their junction with the Spaniards. After this junction, the combined fleet would have consisted of sixty ships. The French fleet besides was not only too numerously manned, which was generally said of French ships of war at that time, but had also a body of 6000 land-troops on board, destined for the attack on Jamaica, so that the loss of life on the part of the French in an engagement must necessarily have been unusually great. As regards the manning of the French ships, they were generally larger than the English, and therefore naturally required a greater number of men for their proper management. Their build was however so good, that, as is well known, they served as models for the English, even so lately as the beginning of the present century. The *Ville de Paris*, De Grasse's own ship, was universally considered as the largest and most beautiful ship of the line which had ever been built either in England or France; it carried 120 guns, and its complement was 1300 men, that of most of the other ships of the line at least 900.

The French fleet consisted of three squadrons, under De Grasse, Vaudreuil, and Bougainville; they had endeavoured to escape the English fleet in the straits between the islands since the end of the month of March, and to unite with the Spanish fleet in the same manner as De Grasse had previously effected his junction with Solano. The English fleet under Rodney, Hood and Drake was this time more fortunate than in the pre-

vious year: they compelled the French to give them battle on the 9th of April, near the island of Dominica. This first engagement was creditable to the French, inasmuch as they effected their retreat without losing a ship: the number of vessels was however diminished, because De Grasse was obliged to send home two of the ships to be refitted which were very much damaged, and the remaining ones had suffered so much, that the fleet was unable to keep pace with that of the English. This latter circumstance gave Rodney an opportunity of compelling them to a second engagement under less favourable circumstances. The French fleet was entirely out of sight of the English, and Rodney was on the point of giving up the pursuit, when De Grasse saw himself compelled to return, in order not to leave two of his ships which were very much damaged behind him, so that he was forced to another engagement on the 12th. The two fleets formed in the open sea between Dominica and Maria Galante, and the engagement was principally remarkable in the history of naval tactics for a manœuvre of Rodney's which has since been frequently applied. This manœuvre consisted in breaking the enemies' line, and Rodney, to the astonishment of the French, divided their line into two parts, cutting through at the third or fourth ship from the centre.

The engagement lasted from nine in the morning till nine at night, and terminated with great loss to the French, although Vaudreuil and Bougainville were fortunate enough to escape with their squadrons. De Grasse himself gave proofs of heroism and desperate resistance which were admired even by the enemy. He not only defended his vessel after the line was broken and the *Ville de Paris* attacked by two English ships, till the whole of the crew was either killed or wounded, but only surrendered as a prisoner when he himself and two others were the only occupants of the quarter-deck. The *Ville de Paris* and five other ships of the line were taken, another ship sunk during the engagement, and the *César* blew up towards the close of the action. The loss of life on the part of the English was inconsiderable; on the part of the French, on the contrary, because their ships were too much crowded, 7000 men are said to have been killed, and an attack on Jamaica was therefore not to be thought of. The heavy artillery intended to have been landed in Jamaica and all the ammunition fell into the hands of the English, as well as the money for the payment of the troops, and the *Ville de Paris*.

The fate of the previous English ministry attached itself to the new one, even in the midst of their triumphs. The capture of the enemy's vessels was rather a loss than a gain to the English\*, and Rodney's victory by no means compensated for the loss of Minorca, which was principally attributed to the carelessness of the former ministry. The Spaniards wished to retake Gibraltar and Minorca, two English settlements which had been founded in their territory during the war of succession, and which served as magazines for the English contraband trade along the Spanish coasts, and at the same time as bulwarks in case of war by sea or land; they had therefore closely blockaded Gibraltar by sea and land since the year 1779. Besides other measures which they had taken since July 1779, they had fortified a camp for their army near St. Roque, and had been enabled to blockade the harbour, because the English coasts were threatened, and the English fleets were engaged in the East and West Indian seas. Rodney's first cruise in this war was therefore particularly important for England, because, without making any considerable delay, he conveyed to the fortress the troops which were required for the reinforcement of the garrison, and provisions and ammunition which would enable them to support a protracted siege. General Elliot, the governor of the fortress, who has rendered himself celebrated, not so much for his perseverance, which is a virtue generally remarkable in defenders of fortresses, as for his skill in annihilating the colossal machinery employed by the Spaniards in the siege, was sufficient in himself for everything besides.

Whilst therefore the attention of all the powers of Europe was occupied with Gibraltar, Charles III. of Spain was planning an

\* When the *César* blew up, there were on board, besides 400 prisoners, an English lieutenant and 50 sailors. The *Ville de Paris* sunk in September, and it was never known exactly where. The *Glorieux* sunk on the 17th or 18th of September with the whole of the English crew, the *Centaur* and the *Hector* foundered, the *Ramillies* was burnt to the water's edge, and to the loss of the ships taken from the French was added, in August, that of the finest ship in the English navy. This was the *Royal George*, of 108 guns, which was lying in Portsmouth harbour almost ready for sea: it had been laid on one side on account of some repairs, and perhaps had been rather too much inclined. Everything was ready, and there were about 200 women on board to take leave of their friends, besides the crew of from 900 to 1000 men and the brave admiral Kempenfeldt. About ten in the morning, whilst the admiral was occupied with writing in his cabin, a slight gust of wind rose, and the ship sunk so quickly, that only 300 men who happened to be on deck at the time were saved. The whirlpool caused by the sinking ship was so great, that a ship in its immediate neighbourhood was drawn down with it.



expedition against Minorca, in which he was aided by the advice of French engineers and by the support of French troops. Coxe, who has compiled his 'History of Spain under Charles III.' from the papers of English statesmen, from the despatches of ambassadors, in short, from all sorts of speechifying and diplomatic scribbling, which we only regard as of any authority when a clear connexion is to be traced between the speeches or written documents and the actions that follow them, connects this undertaking with a project of the English ministry. Supposing it however to be true, that the English ministry had intended to deceive the empress Catharine and Potemkin by a ridiculous project of withdrawing from their alliance, this would deserve no mention in a historical point of view, inasmuch as it only existed among diplomatists as a phantom, such as are fabricated by hundreds every day. It is quite certain on the contrary, and proved by the facts themselves, that king Charles III., without consulting his ministers, or even informing the French court of his intention at first, resolved in 1781, on finding how little progress he had made in two years against Gibraltar, to make an attack on Minorca, which contained only a small garrison, and was moreover badly furnished with provisions, &c. The duke of Crillon, who owed his education to the French military schools and to his service in the French army, but who had been in the Spanish service since the seven years' war, was to take the command of the land army, and the united French and Spanish fleets were to protect the expedition against any hindrance which the English might offer by sea. This united fleet consisted of forty-eight French and Spanish ships of the line, under the command of Guichen and Don Juan Cordova; the fleet was employed in the siege of Gibraltar, and was superior in number to that of the English. Under the protection of this fleet, 8000 men from the land army then besieging Gibraltar were shipped, and conveyed in the month of July 1781 to Minorca, without either the English or French having any suspicions of such a proceeding. Their landing at Minorca was facilitated by the assistance they received from the inhabitants, who were well-pleased at the prospect of being again united to Spain. Citadella, Fort Fornella and some other posts in the neighbourhood of the principal town, Port Mahon, were taken without difficulty, a considerable arsenal and a magazine fell into the hands of the Spaniards in August, and the whole garrison

was obliged to take refuge in Fort St. Philip. This fort alone was however sufficient to destroy all the hopes the Spaniards had entertained of being able to capture the island in a few weeks without a regular siege; it had a brave commander, was well-fortified, and so situated as to command Port Mahon.

Crillon had hoped either to surprise Murray the English governor, a man belonging to one of the most distinguished Scotch families, or to gain him over by a bribe of a million of livres; his plans were therefore not a little deranged when both these attempts failed. The Spaniards were not prepared to commence a regular siege, and if they had merely blockaded the town, the result would certainly have been slow, and might have been doubtful. In the month of September they perceived that their own force would not be sufficient to effect the capture of the fort, and applied to France for assistance. Baron von Falkenhayn was despatched to their aid with 4000 good soldiers, and with a quantity of provisions and heavy artillery, sufficient to enable them to carry on a regular siege. At the time in which these reinforcements arrived in October, together with the artillery and provisions, the want of fresh meat and of vegetables had caused fearful devastation among the English and Hanoverians, of whom two-thirds of the garrison consisted. Of these, nearly the whole were unfit for service from the effects of scurvy, and of the remaining third, 400 were invalids. The number of the English was in fact so small, that a bold and successful undertaking of Murray's against the principal camp of the besiegers in the month of November excited great surprise and admiration throughout the whole of Europe, and even among the besiegers themselves. The duke of Crillon had fixed his headquarters at Cape Mola, and was there so suddenly attacked by the handful of English who composed the garrison of the fort, that he was obliged to withdraw his army from the post, and a considerable time elapsed before he was able to retake it. The besieging army consisted of 16,000 men, and was provided with 109 guns and 36 mortars; the garrison were almost wholly unfit for duty from the effects of scurvy, and a powder-magazine had blown up; notwithstanding these advantages however, the besiegers were obliged to have recourse to a regular siege. In January 1782 the preparations of the Spaniards were so far advanced, that they were able to open a fire from 150 pieces of artillery at once. The English defended themselves most

courageously, notwithstanding the devastating and murderous fire of the besiegers; and this conduct was the more admired, as it was known that the governor and the second in command were to a certain extent at open enmity. At last, when the medical stores, so necessary where there were so many sick, were destroyed by a bomb, the garrison capitulated on the 5th of February. The thousands of the besiegers, with their immense quantity of heavy artillery, were astonished and ashamed when the few hundred wretched-looking men who had defended themselves for seven months marched out of the gate of the fort, according to the terms of the capitulation\*.

The island of Minorca had been eighty years in the hands of the English: the hopes of the king of Spain, that he should now be able to take Gibraltar, also received new encouragement, although the expense and trouble bestowed on the siege of this rock-fortress during the last three years had been entirely thrown away. The account of the machinery used in this siege, and of the expense which it cost, seems almost like an eastern tale. In the year 1782 the Dutch fleet was to have been united to those of France and Spain, in order to aid in the siege, and the government of the hereditary stadtholder laid itself open to fresh complaints because this proposed union was prevented by their fault. This event afforded another proof that the interests of the stadtholder and his family were entirely different from those of the aristocracy of the country, with the exception of such of them as were closely connected with the house of Orange; the former wished to hold fast by England, the latter were in favour of an intimate connexion with France: the states-general therefore, and the states of the several provinces, had been engaged since the spring of 1782 in connecting themselves still more closely with the North American republic, with Spain and France, whilst the government, or rather the duke of Brunswick as admiral and general-in-chief, in the name of the prince, was engaged in secret negotiations with the new English ministry, who offered terms of peace, which the states-general contemptuously refused. When therefore the Dutch squadron was expected at Brest in

\* The garrison received all military honours and was permitted to return to England: it consisted of 600 old invalid soldiers, 120 royal artillerymen, 200 sailors, 20 Corsicans, 25 Greeks, Turks, Moors, Jews, etc. On the evening before the capitulation 415 men were required to make the rounds, and there remained only 245, or 170 less than would have been sufficient to relieve them.

the autumn of 1782, to reinforce the French fleet and then to act in concert with the Spanish fleet before Gibraltar, the stadtholder and hereditary admiral declared, to the astonishment of the whole nation, but in accordance with the feelings of the Orange commanders, that it was too late in the season for large ships of war to be sent to Brest. This was in September 1782.

The consequence of this declaration was twofold: in the first place, the plan of a general attack on Gibraltar and of overawing the English fleet by an immensely superior force was defeated; whilst on the other hand, the discontent and excitement in the United Provinces were so much increased, that it was feared a general revolt would be the immediate result. The plan of uniting the fleets of the allied powers was the consequence of an alteration of opinion as to the mode of carrying on the siege of Gibraltar: this siege now occupied the attention of all Europe, because France and Spain were employing their whole available strength against a fortress which had been taken in 1704 without resistance, and which England was now defending. The siege had been carried on exclusively from the land side since July 1779, and general Elliot was so certain of his superiority, that he always allowed the Spaniards to erect their batteries, and after having waited till they had expended very considerable sums on their erection and arrangements, destroyed the whole of their works in a single day with his own excellent artillery. The Spaniards were worse off at sea: they were unable even to burn the two British ships of war, the *Panther* and *Experiment*, which defended the harbour, although fire-ships were built for the purpose, and Don Barcello's fleet specially ordered to the harbour to protect their attack. The fire-ships were however badly directed, and Don Barcello's fleet suffered rather severely on the occasion.

We have already mentioned, that after all these vain attempts from the sea side, the Spaniards were unable to prevent the English from landing reinforcements, provisions, &c. in the fortress, so that it was much better manned and provided in 1781 than before its blockade in 1779. The garrison had been increased by degrees to about 7000 men, and these were all able and picked troops; besides which, the most skilful engineers and artillerymen had been sent thither. Since the sally (which however rather resembled an assault) which the garrison had made with the most complete success on the 27th of November 1781,



under general Elliot in person and general Ross, the Spaniards had abandoned all hopes of being able to take the fortress from the land side alone, and endeavoured to apply fresh contrivances on the sea side. At the time when Elliot and Ross made the sally of which we have spoken, the Spaniards had deceived themselves into believing that they had completed a fourth parallel, near enough for its guns to be able to play upon the town and also to defy the enemy's fire. It was in fact continued till within 1000 rods of the fortress, when suddenly the whole garrison marched out in three columns and surprised the Spaniards. The guns were spiked, the works destroyed, blown up or burnt, and the labour of many months annihilated in an hour.

About the time when the hopes of being able to take the fortress from the land side, which had been entertained for many months, were entirely given up, the king of Spain, who had brought about the expedition against Minorca, and who regarded this as well as the siege of Gibraltar as a matter in which his personal honour was concerned, conceived the extraordinary idea of causing the fortress to be fired on from the sea side. This idea of floating batteries can only be compared to Xerxes' expedition against Greece, or at any rate to his bridge across the Hellespont, and was attended by quite as destructive consequences as the latter. The French engineer with whom Charles III. arranged the plan of the floating batteries, and who himself directed the building of them and furnished the models, was and must still be considered as one of the most skilful men who have ever devoted themselves to this study; the absurdity of the plan however must be apparent to every one, even without the least knowledge of naval affairs, or of the mode of conducting a siege. The adviser of the king of Spain was the same chevalier d'Arçon, who afterwards, during the reign of terror, assisted Carnot with his counsels, and composed the universally-admired instructions of the latter to the conquering armies of the French republic. He died in 1800, during the consulship of Buonaparte, as general of division, inspector of fortresses, and member of the institute, as the Academy was then called. The plan of this engineer, which king Charles III. approved, was to fire upon the fortress from the harbour, and for this purpose to fill the harbour itself with immense floating structures, upon which the heavy artillery and the mortars were to be brought near enough to bear upon the works. The immense and unwieldy masses built for this pur-

pose, constructed of great beams of wood laid upon the hulls of ships, were designated "floating batteries."

Ships of from 600 to 1100 tons were dismasted, to serve as foundations for the wooden batteries which were to be built upon them, and to enable the besiegers to move them from place to place. The quantity of solid wood which was used for this purpose has been estimated at upwards of 200,000 cubic feet. The lower solid foundation was protected by an elastic roof, composed of cables and covered with hides. This roof was sloping, in order that the balls fired from above, which would have pierced a solid roof, might roll off. Cork and wet sand were to be distributed in the interior, and kept constantly moist by means of pumps, to prevent the dry wood from being set on fire by the red-hot balls. In this manner the floating batteries became unwieldy wooden castles, which, although built upon the hulls of ships, were incapable of being easily moved from one place to another. Upon each of these floating bulwarks 142 pieces of heavy artillery were mounted for immediate use, and, besides this, half the number in reserve in case of necessity; and to each gun six artillerymen were appointed.

The fire which was to be directed upon the works of the fortress from this immense number of guns was to be supported by that of forty gun-boats provided with heavy artillery, and as many bomb-ketches with mortars of 12-inch diameter, which, along with five larger bomb-vessels, were to be employed in bombarding the fort. It was reckoned that 1200 pieces of heavy artillery were used in all, and the powder collected for the supply of these guns amounted to 83,000 casks. The attack was moreover to be commenced at the same time by the floating batteries and by those on the land side, which had been re-erected in the meantime; and the former were to be assisted by the united French and Spanish fleet. This fleet consisted of fifty sail of the line, and was destined to cope with the English fleet, or rather to keep it away from the harbour, as it was known to have reinforcements, ammunition and provisions for the garrison on board. Besides all this, upwards of 300 large boats, and all the frigates and smaller vessels which the Spaniards could get together from all their ports, were collected in the straits awaiting the moment of attack.

All Europe waited, with the most eager expectation, for the event of an undertaking against a solitary and almost naked rock,

which was to be attacked at once with equal violence from the land and from the sea. Behind the land-batteries 40,000 Spaniards were posted, supported by an auxiliary force of 12,000 French. From all parts of Europe, but particularly from Spain, France and Italy, the younger members of the nobility arrived in crowds, to witness the spectacle of the opening of the fire upon Gibraltar. The brothers of Louis XVI. of France increased their expenses and their debts on this occasion by the journey which they made in company with their extravagant attendants to the camp at St. Roque.

It must be considered as a bad omen for the success of this colossal undertaking, that while king Charles III. and D'Arçon, who possessed indeed a perfect acquaintance with the theory of the art of war, but not the least with the practice, entertained not the smallest doubt as to the favourable result of their plan; the two commanders, Crillon and admiral Buonaventura Moreno, who had served many years and had gained experience, had not the slightest confidence in its successful issue. The immense wooden masses were built in the bay of Algesiras, and the English secretly laughed at the plan and all connected with it, which had been set on foot in the cabinet without any regard whatever to naval principles, and which prepared for them a certain booty.

The attack was this time also begun from the land side, and ended as it had ended on every former occasion of opening the fire. Elliot directed his fire from the 5th till the 8th entirely against the batteries which had been newly erected on the land. In the same manner in which he afterwards destroyed the floating batteries with bombs and red-hot balls, in three days he entirely knocked to pieces the works which the enemy had been nine months in erecting. The Spaniards however immediately erected a fresh battery of sixty-four guns, and from that time till the 13th, on which day the fire commenced from the sea side, they threw 6300 balls and 1080 shells into the town, which were returned by Elliot with equal activity. When on the 16th, however, the unwieldy masses were brought with great difficulty from the port of Algesiras to the foot of the rock, and the deafening fire began, Elliot placed his chief confidence in the red-hot balls; and he was enabled, by means of a previously arranged contrivance, to hurl down 4000 of these upon the floating batteries in a single day.

The roofs of the batteries appeared for some time to afford the desired protection, and even the bombs rolled harmlessly off the wet hides, rendered elastic by the cables; but as soon as a single ball penetrated the roof and sunk into the body of the largest of the batteries, it was proved that the strata of cork and wet sand were by no means sufficient to prevent the wood from ignition. As soon as smoke was seen to ascend in several places, the crew entirely lost their presence of mind. At one o'clock in the morning of the 14th of September two of the largest of the batteries were in flames, and very soon afterwards others caught fire; this was considered by captain Curtis to be the favourable moment for making his appearance with the gun-boats under his command. He commanded twelve English gun-boats, each of which was furnished with an 18- or a 24-pounder; these boats were now ordered into the bay to act against the Spanish gun-boats, which should have been able to assist the batteries, as they were intended to do. The gun-boats took to flight and left the batteries to their fate. Eight of these immense ships were burnt or blown up, and amongst them the admiral's vessel; one fell into the power of the English, and the tenth was burnt by them afterwards, because they were unable to remove it\*.

A part of the crews of the batteries were rescued by the Spaniards, and about 400 were rescued by the English, but more than 1500 miserably perished. The enormous cost of the project was thus entirely thrown away, and the whole undertaking only served to gain an undying fame for general Elliot and lieutenant-general Boyd, his second in command. The credit of defending the fortress was afterwards shared by admiral lord Howe, who completed at sea what had been begun on land. He disgraced the united French and Spanish fleet, which did not dare to attack him, as the defenders of Gibraltar had disgraced their united land-forces. Admiral lord Howe sailed from Spithead with

\* The names of the ships which were converted into floating batteries were as follows:—1. *Pastora*, 21 pieces of artillery and 10 pieces reserve; 760 men; rear-admiral Moreno. 2. *Talla Piedra*, 21 pieces, 10 reserve; 760 men; prince of Nassau. 3. *Paula Prima*, 21 pieces, 10 reserve; 760 men; Don Cajetan Langara. 4. *El Rosario*, 19 pieces, 10 reserve; 700 men; Don Francesco Xavier Munoz. 5. *San Christoval*, 18 pieces, 10 reserve; 650 men; Federico Gravina. 6. *Principe Carlos*, 11 pieces, 4 reserve; 400 men; Antonio Basurta. 7. *San Juan*, 9 pieces, 4 reserve; 340 men; Josef Angelos. 8. *Paula Secunda*, 9 pieces, 4 reserve; Pablo de Cosa. 9. *Santa Anna*, 7 pieces, 4 reserve; 300 men. 10. *Los Dolores*, 6 pieces, 6 reserve; 250 men.



a fleet of thirty-two ships of the line, just at the time when such a violent and continuous fire was being carried on between the besiegers and the besieged that Elliot had nearly exhausted his ammunition, and had lost so many men as to render a reinforcement necessary. Howe was ordered to convey to him the succours he required, and accomplished his task in spite of the hostile fleet of sixty-four sail, of which forty-two were ships of the line. He did not indeed rashly attack the superior force of the enemy, but he appeared in their neighbourhood and offered them an opportunity of attacking him; and he afterwards took up his position near the bay, where he intended to land his forces in such a manner as to protect with his fleet the eighteen transport ships which he despatched into the harbour. Besides provisions, he landed two regiments of soldiers, and furnished the fortress with 1500 casks of powder out of the ammunition provided for his fleet, without the enemy's fleet venturing to attack him. The opinion of a contemporary author (Wraxall) on this subject is so correct, that though we do not in general attach much importance to his judgement, we shall quote it in the note\*.

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#### § IV.

#### CONTEST BETWEEN FOX AND PITT TILL 1784.

Whilst the military operations we have just mentioned were going on, the king of England found himself most uncomfortably situated at his own court; a new ministry had been formed in July 1782, but in the midst of good fortune it got into greater difficulties than lord North and his colleagues even when fortune was most unfavourable to them. The ministry, which had been formed in March 1782, and which consisted partly of liberal members introduced by Rockingham, partly of those who were inclined to diverge as little as possible from the old way and

\* "Without engaging, he defied the combined fleets, offered battle, but did not seek it; effected every object of the expedition by relieving Gibraltar, and then retreated, followed indeed by the enemy, but not attacked. They made, it is true, a show of fighting, but never came to close action. And with such contempt did lord Howe treat the cannonade commenced by the van composed of French ships under the command of La Motte Piquet, that having ordered all his men on board the *Victory* to lie down flat on the deck, that their lives might not be needlessly exposed, he disdained to return a single shot against such cautious or timid opponents."

who were connected with Shelburne, was from the very beginning uncertain and hesitating, because the king had not yet made up his mind to cease from exercising his personal influence, and particularly disliked some of the members of the ministry, as Fox, Sheridan, Burke and others; it was broken up however sooner than had been expected, because the marquis of Rockingham died on the 1st of July, in his 52nd year. As Shelburne could not continue after the death of his colleague on terms of friendship with the revolutionary friends of the latter, he ventured at length to form a ministry out of his own party. This ministry was exposed to an opposition consisting of two parties, the one being that of the minister who had begun the war with America, the other consisting of Fox and his adherents, who defended republican principles. Shelburne had therefore no easy task to maintain his position. From the time at which Fox, Burke, Sheridan, and the other friends of Rockingham retired from office in July, and formed one party of the opposition, the younger Pitt, at this time twenty-three years old, who had been closely connected with Dundas since December 1781, was the representative of the ministry in the lower house, and had to fight their battles there. Pitt retained the whole party of the late lord Chatham, and they remained true to him from that time forward, because he strove to keep up everything which was favourable to the aristocracy, including church livings, sinecures, and rotten boroughs. For these reasons therefore, not Shelburne, but Pitt, as chancellor of the exchequer, was the principal person of the third ministry in the year 1782, which was formed in July; next to him Dundas, who had been lord-advocate in Scotland under lord North's administration, who was appointed paymaster of the navy, and proved exceedingly useful to him afterwards, from his intimate acquaintance with Indian affairs. The former ministry had already perceived the necessity of putting an end to the war. Fox had applied particularly to the Dutch and North Americans; Shelburne turned his views to France.

Fox, whilst secretary of state, had commenced a correspondence with Franklin, who was then in Paris, and had despatched thither in April the brother of lord Temple, a man in whose family republicanism was hereditary; with him he sent Oswald; and these two ambassadors received full powers to treat with Vergennes and Franklin, with whom the congress had afterwards

associated Jay, Adams, and Laurens, with full powers to conclude a peace. We see however, from Franklin's correspondence only lately printed, that he conducted the whole negotiation alone, and at the same time deceived the French, though without giving them any obvious ground for reproaching him. He contrived to negotiate in Paris alone; that is, he managed to separate the demands of the Americans, respecting which there was no difficulty whatever, from the more tedious negotiations in Versailles; so that his negotiations with England were going on favourably at the very time when Vergennes, on behalf of Spain and Holland, was insisting on points which England could not grant. The negotiations in Versailles and Paris were not even properly commenced from April till June, although Fox had repeatedly declared, that even though the formal acknowledgment of the North American republic could only be a consequence of the conclusion of a peace, yet England had no hesitation in entering into negotiations with it, as if at the time an independent state. This delay, which arose partly from the divisions in the English cabinet, and partly from the slight influence exercised over the king and nation by the liberal party, whose representative Fox was, is very shortly and correctly explained by John Adams in a letter to Franklin, which we therefore give in a note\*.

As soon as Shelburne had undertaken the direction of the ministry, the king willingly gave his consent to all that was required of him, in order to get rid of the war and to be less dependent on the parliament. In July, Fitzherbert, afterwards well known under the name of lord St. Helens, was commissioned to negotiate with the European powers in Versailles concerning the preliminaries of a peace, and Oswald was despatched to treat with Franklin in Paris concerning North America. Franklin would willingly have delayed the final set-

\* John Adams, who was then at the Hague, writes to Franklin on the 13th of June 1782 (Franklin's Works, vol. ix. p. 232):—"The discovery that Mr. Grenville's power was only to treat with France does not surprise me at all. The British ministry are too much divided among themselves, and have too formidable an opposition against them in the king and the old ministers, and are possessed of too little of the confidence of the nation to have courage to make concessions of any sort, especially since the news of their successes in the East and West Indies. What their vanity will end in God only knows; for my part, I cannot see a probability that they will ever make a peace until their finances are ruined, and such distresses brought upon them as will work up their parties into a civil war."

tlement of the preliminaries, out of gratitude to France and a sense of propriety, at least till England had come to an understanding with France at Versailles; but he was overruled by Jay and Adams, and the latter signed the treaty without even asking Vergennes, to whom America owed so much. The English ministry not only acknowledged the independence of the republic, but made concessions with regard to the territory beyond the Blue Mountains, where the most flourishing provinces and towns now are, as well as in regard to ports, islands, and the right of fishing; nay, in order to separate America from France as soon as possible, they did not even require an exact definition of the boundary on the north of the United States, in consequence of which a serious difference has arisen within these last few years. According to the universally received proposition in America,—that the principal end of human wishes is and ought to be the greatest wealth and external advantages,—the American lawyers Jay and Adams behaved very properly in opposing their colleague Franklin. The American quibblers invented a word on this occasion in order to avoid that condition in their treaty with France, according to which they were not to sign any preliminaries before France had done the same. They called the articles on which they had agreed *provisional* articles. The English ministry were enabled to excite the jealousy of the Americans, and the latter urged on Franklin's colleagues to outvote him and to hasten the conclusion of the treaty. Franklin's most recent biographer has plainly asserted, what Franklin himself only hints at in his letters, that he by no means approved of the *ruse* by which Messrs. Jay and Adams had deceived the French ministry\*. Vergennes felt himself justly offended, and was very

\* Sparks's 'Life of Benjamin Franklin,' vol. i. p. 489. "The most remarkable circumstance attending the conclusion of the treaty of peace remains to be noticed. The American envoys not only negotiated it without consulting the court of France, but signed it without their knowledge, notwithstanding they were pointedly instructed by congress 'to make the most candid and confidential communications upon all subjects to the ministers of our generous ally the king of France, and to undertake nothing in the negotiations for peace or truce without their knowledge and concurrence;' and notwithstanding the pledge in the treaty of alliance, 'that neither of the two parties should conclude either truce or peace with Great Britain without the formal consent of the other first obtained.' It is true that the treaty was only provisional, and was not to be ratified until France had likewise concluded a treaty; but this reservation did not alter the nature of the act. When the American treaty was signed, it was not known to the commissioners what progress had been made by the French in their negotiation, or whether it was likely to be completed or the war to continue. There was also a separate article, which was



much surprised when the American ambassadors, without having given him any information concerning the result of their negotiations, communicated to him that they had signed the provisional articles on the 30th of November 1782.

By the signature of the provisional articles, the new republic had entirely separated itself in point of fact from France; it was therefore merely a fiction, such as occurs every day in the English courts of law and deceives no one, when they declared that the preliminaries agreed upon in Paris would not be signed till the English and French had come to terms in Versailles. The settlement of the terms of the peace between England and France was particularly delayed by an endeavour which king George III. and his ministers had made during the war to induce the king of Spain to conclude a separate peace, by offering to give up or to exchange Gibraltar. This had been always a favourite idea of the king's; he would not relinquish it when the siege of Gibraltar entirely failed, and therefore offered the English in exchange very considerable Spanish possessions elsewhere: but the English people demanded that the rock should remain English, and insisted upon this as much as Charles III. on his wish that it should be again united to Spain. The mere report of the possibility of the cession of Gibraltar caused such a commotion in England, gave the opposition such an accession of strength, and caused such violent speeches in parliament, that it was only necessary for the ministers to have these speeches taken down and to send them to the French ministers, to convince the latter, and at last even the king of Spain, or at least his ministers, that such a condition could never be thought of, if parliament was to give its consent to the peace.

If any union had existed in Holland, if the discontented patriots had followed the example of the Americans, and given their entire confidence to the government of the hereditary stadtholder, at least for the time, they might have obtained much more favourable conditions than they afterwards did, when to a certain extent deserted by the French; but the bad feeling of the states of the province of Holland towards England and their own government was too serious. The states of Holland were entirely French in their opinions; they trusted in Vergennes be-

not intended to be communicated to the French at all, concerning the southern boundary of the United States, in case West Florida should be given up to the British in their treaty with Spain."

cause he was an honourable man, although honour and honesty are seldom found in connexion with the prudence necessary for a diplomatist; and principally for this reason Franklin was vexed at the quibble which his colleagues had practised on two such men as Vergennes and Louis XVI. Vergennes indeed, to avoid insulting Spain and at the same time to induce the obstinate king to a peace, gave up advantages which France might easily have retained had she been permitted to consult her own interest alone. This is particularly noticed by Franklin, in a letter bearing date December 14th, 1782, in which he announces to the congress the articles which had that day been agreed on\*, and which were, generally speaking, the same as the preliminaries signed on the 10th of January, 1783.

Spain had captured Florida and the Bahama islands, and was to have given back the latter in order to retain the rest; but the English had retaken the islands at a later period. Notwithstanding this, inasmuch as both the English and the French ministry wished more for peace, and in fact required it more, than the king of Spain, the latter was permitted to retain both the Floridas and the island of Minorca. France also obtained some advantages: she obtained the islands of St. Pierre and Miquelon, as well as the right of fishing on the coast of Newfoundland under the same conditions as had been agreed on at the time of the peace of Utrecht. She was obliged indeed to give up the islands which had been captured in the West Indies, but obtained in exchange the settlements on the western coast of Africa and Pondicherry. We shall see at a later period that France lost a considerable territory in the East Indies, from Vergennes

\* He writes on the 14th of December (Works, vol. ix. p. 442): "I have this day learned that the principal preliminaries between France and England are agreed on, to wit:—

"1. France is to enjoy the right of fishing and drying on all the west coast of Newfoundland, down to Cape Ray. Miquelon and St. Pierre are to be restored and may be fortified.

"2. Senegal remains to France, and Goree to be restored with Gambia entirely to England.

"3. All the places taken from France in the East Indies to be restored, with a certain quantity of territory round them.

"4. In the West Indies, Grenada and the Grenadines, St. Kitt's, Nevis and Montserrat to be restored to England, St. Lucia to France."

Several of the points here given by Franklin were afterwards changed, and France was allowed to retain Tobago. It forms no part of our purpose to quote the separate conditions of the treaty; besides which, the treaties *in extenso* are to be found in Lacretelle, 'Hist. de France pendant le 18ième siècle,' vol. v. p. 324.

confounding the names of Vilnour and Valdaour. In the West Indies France retained the island of Tobago. The most important point for its honour was however, that the oppressive oversight which, according to former treaties, the English had been allowed to exercise over Dunkirk entirely ceased. France was freed from an English overseer in a town on its territory, and was permitted to re-open the harbour and to fortify the town. Holland alone, in peace as in war, was considered by friends and foes as a nation which could neither deserve respect as a friend, nor inspire fear as an enemy. A truce was indeed granted to the Dutch, but a peace was not agreed upon with them until the formal treaty was concluded on the 3rd of September 1783, of which the preliminaries, signed in the beginning of the year, formed the basis. This delay in the formal conclusion of the treaty was caused by the disturbances in parliament, which arose on account of the preliminaries, and by the change of ministry.

These preliminaries announced to the English people, which had not been contented with the decidedly advantageous conditions of the peace of Paris in 1763, because it was not to be satisfied even with considerable concessions on the part of Spain and France, the most honourable peace which France had concluded with England for more than a century, and on the other hand, the most disadvantageous one which the latter country had ever concluded with the former: this was more than British pride could bear. Complaints were made on all sides, not only against the ministry, who were said to have betrayed the country, but particularly against the king, who had determined to put an end to the war at any price. At last, lord North, who had till then remained quiet, expressed himself in parliament as violently as Fox and his partisans on the subject of the preliminaries, and lord Keppel resigned his situation as first lord of the admiralty, because he disapproved of them. It was shown on this occasion in England, as is at present the case in France, that a constitutional government may sometimes prove more hurtful to morality and to the assertion of a principle of truth and honour in public life than a despotic government, where the whole people is never informed of the disgraceful conduct of its rulers. An alliance was made between two parties, who had for years most bitterly contended with one another, whose leaders were accustomed to call one another shameless

despot and godless democrat, against a king honourable by nature, and though a bigoted yet an honest religious believer; the object of this union being to force upon him their leaders, whom he detested for their want of faith, as ministers.

Neither Fox nor lord North was strong enough alone to form a ministry and a parliament against Shelburne and Pitt; they had the audacity therefore, notwithstanding each of them had declared times innumerable, that the principles of their lives and administration bore the same relation to each other as virtue to vice, or as truth to falsehood, to enter into an intimate connexion which deeply grieved all honourable persons. This union is called the *coalition* ministry of England. On this occasion it was also seen, how little honest people are to be listened to in politics. Shelburne's ministry was obliged to give way, and the two chiefs of the opposite party treated, like two powers, concerning the division of the spoil. Shelburne wished at first to make arrangements with Fox, in order to prevent lord North from again coming into office, to the eternal disgrace of the democratic party which was now connected with him; but Fox was diplomatist and man of the world enough to be above such common-place considerations, and did not choose to be in office under Shelburne; besides, the affair would have been prevented by Pitt, who would not hear of any such agreements.

The negotiations concerning the coalition, and the division of the places, pensions and sinecures, paid for by the English people, to be thus obtained, and concerning their distribution among the friends and relations of lord Holland's son, the really great orator and statesman Fox, and lord North, the author of the American war, were carried on quite publicly. Lord North caused the conditions of this unnatural ministerial alliance to be discussed during several days by two plenipotentiaries (the future earl of Guildford and colonel Fitzherbert), without the king having been informed of the matter at all, and the coalition was then announced to parliament with unexampled audacity on the 16th and 17th of February 1783. To attain their purpose and to compel the ministers to yield, it was proposed to refuse the sanction of parliament to the preliminaries signed in January; this however could no longer be done, because the upper house had already given its consent to them. The ministry, notwithstanding, was unable to maintain its position; the coalition, on the contrary, took possession of the



government in parliament before obtaining any seats in the cabinet.

Lord North announced with his accustomed coolness, that he and his ally would not disturb the preliminaries of the intended peace, and would not call upon the ministry for an explanation of their conduct, nor even require any change in the points which had been granted; but, as he very plainly hints, would only disapprove of every measure, in order that the ministry might be forced to retire. Fox declared that his sentiments perfectly agreed with those of lord North, and we shall quote his own words in a note, in order to show with what levity, with what perfect contempt for all that which in common life is called truth and honesty of conviction, he speaks of his connexion with the man whom he had persecuted for sixteen years as the author of the war, the oppressor of freedom, and the enemy of his country\*. The ministers did not immediately yield, partly out of regard for the king and partly because they had a majority in the house of lords, while the majority of the coalition in the house of commons was a very inconsiderable one. The contest was carried on without any decision being arrived at till the 22nd of February, but on the latter date Shelburne, who was accused of having shamefully abused his trust as minister, inasmuch as he used the state papers for his own ends, suddenly resigned his office. Had he been free from the accusation of embezzlement, as Pitt afterwards was, it was universally believed that he would have been able to make good his position against the despised and hated coalition of two immoral opponents, notwithstanding the latter had carried a bill in the lower house to the effect that

\* The opinion given in the text is formed according to views of conduct long since considered antiquated. In Spain, in England, in France, what we here advert to is called *exalted policy*. The Spanish ministers, who are presented with orders by the French government, will speak as Fox did on this occasion. He said, namely, with a coolness which Guizot manifests now and then, but which forms no part of Thiers' character, "I have been accused of having formed a union with the noble lord (North), whose principles I have opposed for several years of my life; but the grounds of our opposition are removed, and I do not conceive it to be honourable to keep up animosities for ever. I am happy at all times to have a proper opportunity to bury my resentments, and it is the wish of my heart that my friendships should never die. The American war was the source of my disagreement with the noble lord, and that cause of enmity being now no more, it is wise and fit to put an end to the ill-will, the animosity, the feuds and the rancour which it engendered. It is a satisfaction to me to apply the appellation of *friend* to the noble lord; I have found him honourable as an adversary, and have no doubt of his openness and sincerity as a friend."

the concessions which Great Britain had made to her enemies, by the provisional treaty and by the preliminary articles, were greater than these enemies had had any right to expect, considering the present state of their affairs and the strength of both parties. For the rest, the accusation against Shelburne has never been proved, although Pitt, who remained with the king for five weeks as chancellor of the exchequer, to spare him the bitter trial of enduring the men of the coalition about him, refused at a later period to take Shelburne into the cabinet.

The king delayed and hesitated, Pitt's guidance of public affairs was a mere temporary expedient, and business in general was at a stand during these five weeks; yet the king could not make up his mind to deliver himself and his people into the hands of an oligarchy, which had distributed all the advantages and offices without even asking him, and even before the former ministry had retired. The king not only left the ministry entirely without a chief during the five weeks of Pitt's temporary administration of affairs, but he even threatened, at a time when every thing was at a stand owing to the indecision and uncertainty of the cabinet, to retire to Hanover for some months and to leave England to itself.

From the middle of March the house of commons besieged the king with repeated and urgent addresses on the appointment of a new ministry, whilst the coalition refused with great insolence every one who was to be admitted into the cabinet or even into the household out of regard for the king, and refused to make the slightest change in the pre-arranged order of the administration. When Pitt finally resigned his office towards the end of March, and in the course of the week which elapsed between this event and the resolution of the king on the 2nd of April, the whole machine of the English administration had come to a stand-still, the king yielded to necessity and sent for the duke of Portland, whom the oligarchy, allied against king and people, had chosen for their chief, or rather to whom they had left the honour of representing them. The duke was made first lord of the treasury, and the whole oligarchy of the cabinet consisted of seven members, whilst the previous one had consisted of eleven, and the one before that of nine.

Fox was a second time secretary of state for foreign affairs, and lord North for the home department; lord Keppel was made

first lord of the admiralty. Burke and Sheridan did not properly belong to the cabinet, but they obtained offices suitable to their wishes and necessities, so that they too were paid for their speeches in parliament; Burke became paymaster of the forces, and Sheridan secretary of the treasury. The government, properly speaking, was in the hands of Fox during the period of the coalition ministry; lord North distributed the court offices, the honorary offices and distinctions, according to the agreement; the disinclination of the king therefore to every proposal of the ministers necessarily continued. This dislike of the king, together with the opposition headed by William Pitt and Dundas, restrained the activity of the ministry, whom the parliament, chosen under lord North's directions, in other respects entirely obeyed, because the members who had formerly been liberal had united with the absolutists. Every endeavour to overcome the king's repugnance was in vain, although he was a master in the art of dissembling, for which reason he was considered cold and deceitful. He gave audiences to his ministers, but received all the members of the cabinet with stiff formality and cold politeness; he allowed them to advise him, or rather to dictate to him the necessary measures, followed their advice, signed all papers that were laid before him, but he never showed them the smallest confidence, and gave them plainly enough to understand, that though he acknowledged their talents and capability of conducting business, he utterly despised them as men.

When Fox began to despair of the king, and consequently of the continuance of his ministry, he conceived the unfortunate idea of turning the coalition into an oligarchy which should be able to make parliaments and sustain itself without any assistance from the king: this was to be brought about by making the East India Company and all its immense possessions in the East Indies, as well as the principal commercial interests of the whole nation, dependent on the government of the ministry, and on the duration of the parliament which was devoted to it. The condition of the chartered East India Company, and the conduct of its directors, officers, etc., who were chosen by the shareholders, had previously rendered an interference of the ministry and of parliament in Indian affairs necessary. The more extensive the empire of the company became in India, and the greater their commerce, the more money was to be given by the English people, to prevent bankruptcy or a

stand-still, in consequence of the bad government there. The whole internal arrangement of the company required alteration therefore, in order to withdraw the millions of subject Indians from the hands of griping merchants and to place them under the protection of the British government. The arrangements of the company, according to which every share of 500*l.* gave one vote, and thus 100,000*l.* two hundred votes, in a company called the "Company of Proprietors," brought the government of a country, at that time larger than Germany, into the hands of a few rich Englishmen; for the directors were chosen by the proprietors, and responsible to them alone. This system was shown to be very faulty long before the seven years' war, because, since the time of the war of succession, the company had been continually obliged to draw upon the exchequer by means of the parliament; after the seven years' war it was obliged to be quite given up.

Since the seven years' war, or rather since the cruel, treacherous and predatory undertakings of lord Clive, a man who from a merchant's clerk became a statesman and a hero, and who united all the qualities of a great Asiatic diplomatist with the talents of a distinguished European general, a great portion of India had been occupied by the troops of the East India Company: its directors could not however be kings in Asia and merchants in Europe, without the most destructive effects being produced to England. These consequences were perceived even in Clive's time and by his means, and produced a deep feeling of dissatisfaction in the better part of the nation, which even in our days is larger in England than in any other of the corrupted nations of Europe. That India should be properly governed from London was impossible, as long as the directors were entirely independent of the English government, and the superior officers in India were only accountable to the directors themselves, whose creatures or instruments they were. The superior officers therefore, the governors on the coast of Coromandel and in the provinces on the Ganges, had without exception, since the peace of Paris, behaved in the most disgraceful and barbarous manner towards the princes and inhabitants of the conquered territory. Whilst therefore the East India Company rewarded, honoured and loaded their governors with presents for their talents, the representatives of the English nation summoned them to a judicial account, because they had disgraced the name of English-



men by public crimes. Rumbold, who, as governor of the Coromandel coast, at once despotically cruel and oppressively avaricious, had despised all law and morality, only escaped an accusation of the house of commons before the upper house by his death, which happened at a convenient time: Clive, and his successor Warren Hastings, (a man of talents and energy, but also totally unprincipled,) were actually accused as criminals at different times.

The affairs of the company were so badly managed by the London directors as long as no one exercised any oversight over them, that parliament, to avoid a bankruptcy, which must have destroyed the credit of England and plunged millions of human beings into misery, had several times voted millions of money to assist them. The nation which was thus obliged to pay, had therefore undoubtedly a right to interest itself in the administration of the financial affairs of the private company which it thus assisted, and, at the same time, in the manner in which provinces conquered by English troops were governed. This had been done in 1773, when lord North was at the head of the ministry. Lord Clive was then attacked with as much virulence in parliament as Burke afterwards exhibited against Warren Hastings. This was at a time when the East India Company required from parliament a loan of 440,000*l.*, and also really obtained it. Lord North then introduced a bill into parliament, according to which the affairs of India were subjected to the oversight of the ministry, and by which means he increased exceedingly the patronage of ministers, upon which their power in parliament and their influence in the choice of its members particularly depend. This first bill in reference to the affairs of the East India Company is known under the name of the Regulation Bill\*.

This bill ordered, that in future the directors should be chosen every four years, and that the possession of 1000*l.* in stock should give a right to a vote, instead of 500*l.*, as had previously been the case. Further, according to this bill, a new court of law was to be established in Calcutta, to consist of a chief-justice and three inferior judges, to be appointed by the crown. Finally,

\* We quote the bill by the name by which it is known and must be referred to: the whole title of it is, "A bill for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe."

a general government was to be established in Bengal, to which the other presidencies were to be subject. The existing council and the present governor were to be confirmed, but other persons on the part of the government were to be associated with them. For the future no one was to be named to the higher offices by the company alone, without consulting and obtaining leave from the English ministry. On this occasion it was also determined that Clive should be required to give an account of his conduct, and that for the future every increase of land and territory which should be made in the name of the company should form part of the British empire. This bill however did not do away with the principal evil, namely the faulty administration, and the company continued, on the one hand, in spite of the bill to make conquests for themselves; and, on the other, the difficulties in money-matters continued under Warren Hastings, the first governor-general. This governor, who was afterwards so violently attacked and stamped as a monster and a tyrant by Burke's speeches in the house of lords, is as much praised by some writers for his arrangements and his administration as he is blamed by others. Any inquiry into this point on our part does not belong to a work which is specially intended for European history; and, besides this, the trial of Warren Hastings happened at a much later period than the one we are at present considering.

Even during lord North's ministry the conviction had become general, from the continual complaints of the government of the merchants and their officers in India, and still more in consequence of the faulty administration of the revenue and of trade, and from the continually threatening bankruptcies, that little or nothing had been gained by the regulation bill; that, on the contrary, parliament must interfere to a considerable extent, must introduce a radical reform in the company and its administration, and particularly must entirely take from the company the government of the provinces which they had acquired during and since the seven years' war. As far as the company was concerned, both Rumbold and Warren Hastings were excellent men. Both had gained much money and land from the Mah-rattas and by the conquest of Hyder Ali in the Carnatic; but the political crimes of these men had only enriched themselves and a few favourites besides; the immense riches gained at the company's expense had rather injured than improved their

finances, and they were again obliged to have recourse to parliament. As the charter of the East India Company was only given for limited periods, it was proposed in 1780 to take advantage of the termination of one of these periods in the beginning of the following year (1781) to make these changes; but it was afterwards determined to extend the charter for a short time, and in the meantime to appoint two committees to inquire minutely into the state of affairs in India. In these committees the then solicitor-general of Scotland, Dundas, was, even under lord North, the principal person; and on the recommendation of the committee several reforms were made in the company, and several changes introduced in the course of the years 1781 and 1782. These resolutions were however disregarded in a most remarkable manner. It was determined in parliament that Rumbold should be brought to trial: this however never took place, and he died without any notice having been taken of his numerous crimes. Warren Hastings was to have been recalled and brought to trial: the directors entirely disregarded the resolution of the parliament, confirmed him in his office, and for some years longer he continued his government, which more resembled that of an Asiatic despot than anything else. The reason of this contempt of the orders of parliament was, that there was no longer any one to watch over the execution of the resolution since the first committee, which was chosen for the better arrangement of law and justice in India and for inquiry into the causes of the war in the Carnatic, had been broken up. The other committee, which was to propose a new organization of these subjects, still continued to sit, but the proposals made by Dundas and approved of by them were not laid before parliament till circumstances had entirely changed.

The report which Dundas had drawn up was not laid before parliament till 1783, when the author had already taken his place with Pitt on the opposition benches. The proposals contained in this report were therefore rejected, and Fox promised to bring forward a bill for entirely reforming matters in India. Pitt and his friends agreed with the ministerial party, that the evils in the administration and government of the British possessions in India were only to be thoroughly done away with by placing these possessions under the guardianship of the British government. With this object Fox brought forward two bills in November 1783, in which his real intention, namely, that of

making the ministry and even the parliament entirely independent of the king and the people, and of retaining them under the influence of the coalition, was so carefully concealed, that very few statesmen perceived his real object under the form of the reformation of a mercantile company, and the king had not the least idea of it. One of the proposed bills contained the wisest, justest, mildest and most excellent regulations concerning the administration of justice, government, and law affairs in India, by means of which all opportunities for such acts of oppression of the Indians as had been complained of would be removed. The other related to the internal regulations of the company itself. The former of these has nothing whatever to do with the history of which we are here to treat, however important an acquaintance with its provisions may be in other respects; the latter, which was inseparably connected with it, brought about the downfall of the coalition ministry. By means of this latter bill, the company was not only subjected to the oversight of the ministry, which every one felt to be necessary, but the new regulation of the company was so arranged as to render it impossible for the king to dismiss the ministry.

The monopoly of the company, of which they have only been deprived in our days, was to be continued, and nothing was determined as to whether the right of possession of land should belong to the company or to the crown: on the other hand, the entire administration of all the affairs of the company, as well relating to trade as to government, was to be withdrawn from the directors and the so-called proprietors or holders of 1000*l*. stock, by whom the directors were chosen. The administration, the nomination of officers, the right to make war and peace, were entirely lodged with the ministry by the manner in which the commissioners, to whom all this was entrusted, were chosen, and brought into connexion with the British government. Fox proposed to entrust the direction of the affairs of the company to seven members of those families in England most influential from their landed property or wealth, and the execution of such orders as they might give, or arrangements as they might make, to nine directors of the company itself. It will be easily seen, from the names of the seven gentlemen whom he proposed for this office, how he intended to connect the ministerial party of the English aristocracy with the ministry, and this latter with the



parliament, or rather, with the influence of the seven members on the elections. The seven persons were, earl Fitzwilliam, viscount Lewisham, the right honourable Frederick Montague, the honourable George Augustus North, sir Gilbert Elliot and sir Henry Fletcher, barts., and Robert Gregory, esq. These all belonged to the same families which had already taken forcible possession of the ministry, and were chosen in exactly the same proportion in which the coalition had divided among themselves the ministry when obtained.

For the rest, Fox, although, when he named the commissioners to be appointed, he was obliged to show openly that it was intended to extend the power of the ministry much further than had ever been done before, endeavoured by all sorts of irrelevant provisions to conceal his intention of confirming its government for any length of time. For instance, it was said in the proposed bill,—which however can only be regarded as a deception,—that the nomination of the commissioners was only to rest with the parliament, *i. e.* with the ministry, under whose influence it was chosen, for a short period, and that they were in future to be chosen by the shareholders. At the same time the shareholders were held in check by the fact, that the whole arrangement was only to last for a short time. For in order to meet the objection that the ministers were taking unwarrantable liberties with private property, it was proposed that the act of parliament, by which the East India Company was deprived of its charter, should only continue in force four years; and in this manner the shareholders were held in check. By this means also the following parliament would be bound to the coalition. For inasmuch as no resolution concerning the duration of these regulations could be come to till the end of four years, and as a new parliament would have to be chosen before that time, it was manifestly the interest of all, who found their advantage in keeping up what was once established, to use their utmost influence in getting together a house of commons favourable to the ministers\*.

The intention of the India bill was clear to every one; but

\* In Pitt's speeches the reader will find a more detailed and exact account of that which we have here only given in general terms, viz. that Fox wished to sacrifice king, parliament and people to one party; that he wished to raise the existing disgraceful coalition of liberals and oligarchs to such a pitch of power, that no change or different junction of circumstances could overthrow them, or even weaken their influence.

king George, who only occasionally read a newspaper, and generally fell asleep over it, whom no one was permitted to approach (such was his observance of etiquette) who was not fully entitled to do so, suspected nothing, although he might easily have seen, from the speeches of Pitt and his friends in parliament, that he was to become a subject of his own ministers by means of this proposal, for he had only approved of it because he was not able to discover its hidden intention. The bill was read three times in the house of commons with a rapidity unheard of in cases of such importance, and each time carried by a large majority, so as to be presented at the bar of the house of lords on the 9th of December. Here also, at the first reading on the 9th, lord Temple and the duke of Richmond as opponents of the coalition, and lord Thurlow as a friend of the king, endeavoured in vain to defend the threatened principles of the constitution; the law received the consent of the peers, although lord Temple, who was supported by the duke of Richmond, openly charged the ministers with betraying the king and the country\*. Lord Thurlow also, who was a member of the privy-council, had given the king the first hint he had received concerning the intention of the bill in proposing a commission to be appointed by ministers, and endeavoured in a violent speech to excite all who were in any way concerned in the East India trade against the measures which had been approved by the house of commons†. All was in vain; the bill was not only carried on the 9th of December, but also at the second reading on the 15th, by a majority of 87 against 79: the ministry therefore considered their object to be gained, inasmuch as after the result of the first two readings, the third reading appeared to be a mere form.

Between the first and second reading of the bill however, earl Temple had had an audience of the king on the 11th, and had

\* He said, "that he was happy to embrace the first opportunity of entering his protest against so infamous a bill,—against a stretch of power so truly alarming, and that went near to seize upon the most inestimable part of our constitution—our chartered rights."

† Lord Thurlow declared the bill "to be a most atrocious violation of private property, in justification of which, if the plea of political necessity were urged, that necessity must be proved by evidence at the bar of the house, and not by reports from a committee, to which he should pay as much attention as to the romance of Robinson Crusoe."

at last opened his eyes to the real purpose of the bill which had been so hastily carried through both houses; and as the occasion was one such as had never before occurred, so the king took a step till then unheard of. The king, terrified at being obstructed in the free choice of his ministers, desired the earl to take the dangerous, and, according to the English constitution, unlawful step, of entreating his (the king's) personal friends not to vote for the bill on the third reading. For this however earl Temple required an authority. The king therefore wrote a card, which he gave to the earl in a secret audience, on which was stated, "That his majesty allowed earl Temple to say, that whoever voted for the India bill was not only not his friend, but would be considered by him as his enemy. And if these words were not strong enough, earl Temple might use whatever words he might deem stronger or more to the purpose."

The bishops and all who stood in close connexion with the court, or who esteemed the king personally or as a private individual, did not wish publicly to offend him, although, politically speaking, they might not be of his opinion; they were obliged therefore to pay some attention to the expressed wish of the king on the occasion of the third reading on the 17th; and even the prince of Wales, whose vote on the 15th had been one of the eight in the ministerial majority, could not resist the will of his father, and was absent. By these means the rejection of the bill on the third reading was secured\*, and the king appeared to be at open war with his ministers without there being the least probability of his being able to govern without them. The two houses of parliament were at open war; the ministers and their friends used stronger language against the king and the peers in parliament than had ever been done by Wilkes, by the author of the Letters of Junius, by the democratical lord mayor, or even by the common-council of London, which was never particularly careful as to the propriety or choice of its expressions. One member of parliament strove to exceed another in the violence of his proposals and the insulting nature of his speeches.

\* The particular account of these transactions, as well as the names of those who either personally or by proxy voted against the bill on the 17th, after having voted for it on the 9th and 15th, may be found in Wraxall, vol. ii. p. 458-460.

A ministerial member, Mr. William Baker, who is to be considered among the light troops of the war, moved, That to report the opinion or pretended opinion of the king upon any bill or other proceeding, depending in either house of parliament, with a view to influence the votes of the members, was a high crime and misdemeanour; and this motion was carried. After him Fox rose and made a speech, such as hardly any of the Gironde ever made in 1792 in the French legislative assembly, and yet Fox was at the time minister of that very king whom he violently assailed in parliament, at the same time attacking the upper house with great vigour. Fox accuses both the peers and the king of having entered into a conspiracy against the majority of the members of the house of commons, and goes so far as to say of those members of the house of lords who had voted against his bill, "That they were the prætorian guards of Tiberius, or rather janisaries, who at the command of their sultan had strangled his bill." At the same time he particularly refers to Pitt, and accuses him of seeking in a dishonourable manner to get possession of the ministry; and he complains of lord Temple that he had brought a kind of order into the house of lords against his bill, similar to that which Tiberius despatched to the senate from Capræa against Sejanus.

Lord Temple and William Pitt were actually at this time the secret advisers of the king, and they allowed themselves to be frightened neither by the violent resolutions which were passed by the house of commons in this first stormy sitting, nor by the threatening preparations for a succeeding one, although all these resolutions were passed exactly as the coalition wished, and according to their motions, by a majority of 73. On the 17th Pitt had called upon the ministers to send in their resignations, and had then resolved, relying upon the anxiety respecting the constitution, which was carefully spread by means of the public papers and of pamphlets, upon the dislike of the coalition, and upon the outcry raised on their late attack on private property, to engage boldly in a contest with the parliament. After the violent language which the ministers had used on the 17th, the king himself expected that they would send in their resignations on the following day. He waited however in vain the whole of the 18th: when they did not appear he sent a royal messenger to them at midnight, requesting them to send him the seals by the under-



secretary of state, but to spare him their presence. The king received the seals at one o'clock in the morning, and lord Temple took them into his keeping for the time, and the same morning letters of dismissal were sent to the various members of the cabinet.

These letters were indeed signed by lord Temple, but it was Pitt who on the 19th became premier, in the 24th year of his age, in the double capacity of first lord of the treasury and of chancellor of the exchequer, inasmuch as he could not long endure even lord Temple's influence along with his own. Lord Temple was first made secretary of state, but was obliged to retire after three days. At the same time a total change was made in all branches of the ministry, such as had hardly occurred in 1782.

After these changes in the offices at court and in the cabinet every one expected a dissolution of parliament, inasmuch as the coalition-parliament rejected every proposal of the new ministry, and it was to be feared that it would reject the mutiny bill and refuse the budget. Pitt therefore considered it necessary to continue the contest until he had gained over to his side so many men of influence and so many voices among the public, that parliament should no longer dare entirely to refuse the long-postponed budget. The subject of the dissolution of parliament caused a difference of opinion between Pitt and lord Temple; for although they were agreed as to the necessity of a dissolution, they differed as to the time when it should take place, and the result of the measures, which Pitt obstinately insisted on, sufficiently proves, that even at that time he possessed the same political tact which he afterwards displayed on every occasion where it was called for. Pitt wished to keep the parliament in continual alarm by a threatened dissolution, until it should no longer have the courage to reject the mutiny bill and the budget; lord Temple, on the other hand, wished to dissolve it immediately, and this caused him to retire from the cabinet after having held office only three days. From this time Pitt and Dundas particularly opposed the violence of the house of commons. Lord Thurlow, as chancellor, had a much easier post in the house of lords, inasmuch as the peers who had composed the majority against the India bill were necessarily on his side, as they were engaged in a common cause. The lower house was in fear of a dissolution, and endeavoured by a very violent address, voted on the 22nd of December, to

prevent a dissolution or prorogation, and this too before the new cabinet was completed. Pitt himself was not present on this occasion, but a positive statement was made in his name and by his authority, that he neither intended to dissolve nor to prorogue the parliament. Notwithstanding this, the address was voted by such a majority that a division was unnecessary,—the most violent address that had been presented to a British sovereign since the Revolution\*.

This address was presented by a very numerous deputation, and the whole coalition-party is said to have been disrespectful enough to appear *en masse* before the king. Inasmuch as the holydays began immediately, and necessarily caused some interruption to the sittings of the parliament, the prime minister caused the king to return an evasive, but at the same time friendly answer, which was however so expressed that the fear of a dissolution was expressly retained. When parliament again assembled on the 12th of January 1784, five or six more declarations followed, each more violent than the other. Among these declarations was one—"That in the present state of his majesty's dominions it was peculiarly necessary that there should be an administration which had the confidence of that house and the public." Pitt, although still in a considerable minority in the house of commons, continued to be prime minister, pursued the same course, caused the feelings of the people to be worked upon by every means in his power, and first assured himself of a majority in the upper house, until, what must necessarily be the case, public opinion should have entirely deserted his opponents. The duke of Rutland and earl Gower, afterwards marquis of Stafford, were the first to join Pitt, and as he showed himself then conservative, as he afterwards was, the other peers willingly followed their example. The lower house in the meantime was making the greatest efforts, and the more so, as since the time when Rutland

\* It was proposed by Mr. Erskine that an address should be presented to the king, stating "the alarming report of an intended dissolution of parliament; to represent to his majesty the inconveniences and dangers that would attend such a measure, at a moment when the maintenance of the public credit, the support of the revenue, and more especially the distressed state of the finances of the East India Company, and the disorders prevailing in their government both at home and abroad, demanded the most immediate attention; to beseech his majesty to suffer them to proceed on the important business recommended to them in his speech from the throne; and to hearken to the voice of his faithful commons, and not to the secret advices of persons who may have private interests of their own separate from the true interest of his majesty and his people."

and Gower had gone over to him, the minister relied on the house of lords, and as also the general feeling in the public was becoming favourable to the king.

On the 16th of January lord Charles Spencer's motion, That the continuance in office of the present ministers, in whom parliament had no confidence, was contrary to the principles of the constitution, was carried; but it was seen on this occasion that the rats were beginning to move. The majority of the opposition, which had consisted of fifty-four, sunk to twenty-one. Immediately after this Pitt attempted to carry his India bill through the house, a bill such as had been eagerly demanded, and which the condition of the East India Company rendered imperatively necessary. This bill was not rejected at the first reading, as had been expected, but on the second, and then only by a majority of eight. This was on the 23rd of January; from this time forward the addresses, as usual on such occasions, were poured in from all corners against Fox's India bill, the parliament and the king were overwhelmed with addresses in favour of the new ministry, and both parties assumed the appearance of wishing to produce a reconciliation by means of a mixed ministry. The attempts which were made with regard to this project (and which were hardly seriously intended) appear to us to belong to a special history of England; it will be enough for our purpose, namely the general history of Europe, to point out the way in which the aristocracy, under Pitt's conduct, was victorious over the king, entirely shut him out from the influence which he had sought since 1763, and which he had partly obtained, and at the same time repressed that democratic spirit which Fox had in some respects favoured.

The upper house felt itself sufficiently strong in public opinion to be able to enter into a contest with the house of commons; it resolved therefore in the beginning of February, That it is unconstitutional in one of the two houses to assume a discretionary power, and that it is undoubtedly part of the king's prerogative to appoint the highest officers of government without asking the opinion of any one, and that this house has every reason to place the firmest reliance on his majesty's wisdom in the exercise of this prerogative. The house of commons saw itself therefore compelled to free itself from the appearance of any violation of the constitution, and to declare—1. "That it had never assumed to itself a right to suspend the execution of the laws: and

2. That for them to declare their opinion respecting the exercise of any discretionary power was constitutional and agreeable to established usage." Immediately after this, the open war, which had been suspended till the middle of February by the advances made by the ministry to the coalitionists, was renewed on the 20th.

On this day a new address was presented to the king, in which he was earnestly requested to change his ministers\*. When this address too met with a friendly but decidedly negative answer, Fox would have been perhaps inclined in the course of the following month to reject the mutiny bill and to refuse the long-delayed budget, but he perceived on the 1st of March that his party would not follow him to that extremity. On the 1st of March the parliament passed a formal and decided resolution, in which it this time expressly demanded from the king the removal of his ministers†. Pitt was enabled to allow the king to answer this resolution in a friendly tone with the more ease, as he knew that the parliament, however hostile to himself personally, would no longer venture to check the whole course of the administration by refusing its votes. This was shortly afterwards made publicly known, when Fox, after the last answer of the king, carried up a new representation and complaint to the king. This representation was more violent, more extensive, and better supported by plausible reasons, than any of the former ones‡; but as it was only carried by a majority of *one*, Fox could not but acknowledge that it was prudent, at least for the present, to allow the contest to drop, in order not to bring about a dissolution.

This was a signal for all those who had the slightest hopes of finding a good reception to join the ministerials, as the refusal of

\* The words of the resolution are, "That the continuance of the present ministers in trusts of the highest importance and respectability was contrary to the principles of the constitution and injurious to the interests of the king and the people."

† "The house humbly prays his majesty that he will be graciously pleased to lay the foundation of a strong and stable government, by the previous removal of his present ministers."

‡ This long representation to the king, which fills several pages, begins with these words: "We cannot refrain from expressing our sorrow, that although his majesty's paternal goodness had urged his majesty to convince himself of the advantages which might arise from an administration such as we have pointed out in our resolution, his majesty yet allows himself to be misled, and prefers the opinions of single individuals to the reiterated advice of the representatives of his people in parliament assembled, in respect to the means by which so desirable an object is to be accomplished," &c.



the budget was no longer to be thought of. The papers had embittered the minds of the people against Fox's India bill and against the attack on the right of property, of which the coalition were accused, and every one was convinced, on account of the feeling in the whole country, and because the coalition, and especially Fox, were excessively disliked, that Pitt's victory was complete. He however did not proceed hastily, but even after the principal matter respecting income and expenditure had been settled on the 9th of March, he laid other matters before the parliament, and then prorogued it on the 24th. On the following day, March 25th, the coalition-parliament was dissolved and a general election ordered. On this occasion Pitt's party certainly permitted themselves to make use of means not sanctioned by law at the election for Westminster, in order to endeavour to compel Fox to take his seat in parliament as member for a Scotch borough: the elections however turned out in general unfavourably to the coalition, and the new parliament would have been still more favourable to the minister, had it not been known that the king and the prince of Wales disagreed materially on most points. As Fox and Sheridan had taken the part of the prince of Wales, Pitt was obliged to take the personal affairs of the king under his immediate protection, and this threw great difficulties in his way as minister.

The history of the new ministry, and of the parliament by which it was supported, does not fall within this period, but in that of the Revolution; we shall therefore close this section with some few remarks. First of all, Pitt's second India bill, by means of which the control of the East India affairs and of the East India Company was placed with the ministry, was immediately received by the new parliament. By this means, the influence, the distribution of places and offices of which the East India Company had to dispose, was not given, as Fox had intended, to one single ministry, but to each successive ministry as it came into power. After this began slowly and carefully an aristocratic or conservative movement under Pitt's direction, now become quite necessary to the king, who was afraid of falling into the hands of his enemies, by whom the prince of Wales had been already secured, and who made fine speeches in parliament in defence of his debts and expenses; and this conservative movement was exactly the opposite of that democratic one which had been going on since 1763. This movement

backwards, or in other words, this care to retain all old abuses, all useless pensions, all the privileges of certain families respecting honourable and lucrative posts in the army and navy, all rotten boroughs, all sinecures and useless livings, all the points of, as it is always called, the glorious constitution, as honourable remnants of the middle ages, increased since 1784 in England, exactly in the same proportion as everything old began to vanish and give way on the continent. And hence it was, that in after-times, from 1800, Buonaparte and Pitt, as the new and the old times, as a strictly military monarch and the head of an aristocracy consisting of merchants, hierarchs and landowners from the times of feudalism, bore the same relation to each other that the republicans of France did to Pitt and Coburg.

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## CHAPTER II.

PERIOD OF COMMOTION IN THE INTERIOR OF THE STATES  
OF THE CONTINENT UNTIL THE FIRST SIGNS OF THE  
FRENCH REVOLUTION.

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### § I.

THE EMPEROR JOSEPH II. FROM THE DEATH OF HIS MOTHER  
TILL THE WAR WITH THE TURKS.

JOSEPH II. wished, by means of monarchical power, to effect that which in other states was opposed by the same means: he therefore came into collision with the people and the opinions of his time, from a cause entirely different from that which generally operated among the despotic princes of Europe. He wished to effect a complete change in the administration and government, the education, instruction, and state of religion, the legislation and law of his dominions: these changes were such as cannot possibly be brought about without a revolution and without consulting the people, and Joseph had no idea of adopting this course; his history therefore is an account of the disappointments of a prince, who, inspired with the best intentions, contends against the existing state of things, without finding any assistants or fellow-labourers, or without even seeking any. He opposed his own common sense to prescriptive right and

feudal institutions, to politics and pedantry, to the study of the law and to the then prevailing superstition, nay, even to the constitution and to charters of every description; he was often obliged therefore to act the tyrant against his will, in order to carry into effect those measures which form a subject of rejoicing to all men of understanding in Austria even to the present day. He alone was able to diffuse the little light which all the friends of progressive improvement in Austria hailed with joy, and for which many yet bless the emperor in secret. They did not, it is true, always obtain these advantages without some acts of injustice and severity; but radical reforms must necessarily be connected with temporary injustice and severity.

Immediately after the commencement of his reign on the 28th of November 1780, he issued a formal proclamation, in which he stated, that relying upon the consciousness of his good intentions as a ruler, he should only keep in view the benefit of the whole community, without regard to the prejudices or privileges of the several nations and tribes of which his kingdom consisted, or in other words, that he should not consult the plenipotentiaries of the Bohemians, Hungarians, &c., but should treat these nations in the same way as his German subjects. He therefore entirely disregarded the palladium of the Hungarians, their sacred crown and their constitution, and did not even suffer himself to be crowned king of Hungary, from which circumstance the Hungarians deduced a very unfavourable omen for the continuance of their constitution. In Belgium he appeared at first disposed to respect the prejudices of the people, because he was bound by treaties with the powers who were securities for the performance of the conditions of the peace of Utrecht. He received the homage of the different provinces of Belgium as duke or count in person, and took upon himself the obligation to maintain the existing constitution, although even at that time (July 1781), after having visited Holland, and particularly Amsterdam in the previous month, under the name of count Falkenstein, he attributed the great difference in respect to commerce and riches which he had remarked between the seven provinces and Belgium, entirely to the constitution, the hierarchy, and the feudal system of the middle ages, which continued to subsist in the latter. The first thing Joseph did on his return to Vienna was to put an end to the government of the principal families, and to the offices held

by a number of persons of distinction, the duties of which were either discharged by their subordinates or by their secretaries, or not at all. This system was one the origin of which could no longer be traced, and which was completely restored under Francis II. He formed no new hierarchy of administration because he had not entire confidence in any one, which was quite right, and because he wished to see, hear, and direct everything himself, which was impossible. He sat in his cabinet surrounded by secretaries, listened to every one, and his activity never ceased day or night; but he forgot that Haroun Alraschid's celebrated system of government in the east was entirely inapplicable in the west. The proclamation of the one and indivisible Austrian empire which he issued was received with much the same sort of feelings by the Hungarians, Bohemians, Belgians and Lombards, as that of the one and indivisible Helvetic republic was received by the majority of the cantons of Switzerland in 1798. Joseph openly declared to the Hungarians on this subject, or at any rate to a Hungarian magnate, that his government was German, and that he would not even officially acknowledge the existence of the language of the millions of his subjects who spoke in a different tongue\*.

Joseph therefore divided his whole monarchy into thirteen provinces, each of which was again divided into circles without any regard to the national feelings of his subjects. By this means the Hungarians were to a certain extent threatened with the loss of their constitution, which they had so obstinately defended for centuries; for the latter was intimately connected with their sacred crown, with the coronation, which the emperor had neglected, and with the division of their country, which formed ten circles, into fifty provinces. The changes which the emperor commenced, and the innumerable proclamations which he issued, always well-meant, but calculated to obstruct, and not unfrequently contradicting each other, do not fall within the limits of the present work: for a further account of them, the reader must consult some of the numerous biographies of the

\* This will be found in a letter which forms part of the collection from which we have often quoted. He says, "The German language is the universal language of my kingdom: why should I suffer any law or other public business in any single province to be transacted in the national language of that province? I am emperor of the German empire; consequently all the other states under my dominion are provinces, which in conjunction with the whole state compose a body of which I am the head."



emperor, particularly the latest, by Gross-Hoffinger, or he will find much information on the subject in Dohm's work. It would be necessary for us to insert an exact chronological history of all the changes which the emperor introduced, if we wished to show in what manner Joseph had constantly to contend with his contemporaries, for the most part entirely blinded by their prejudices, with the officers and the parliaments of the different countries under his dominion, with the nobility and the clergy, nay, even with the Jews and their prejudices. We shall however merely point out what will be sufficient for our general purpose, partly what he attempted in favour of a plan of radical reform conceived in the spirit of the French and Italian economists, partly where and how he met with insurmountable obstacles in this attempt.

The emperor succeeded best in his reforms of the spiritual concerns of his kingdom; these reforms were commenced immediately after his accession, and conducted with such celerity, that even till the present day, all attempts to bring back matters to their former condition have remained fruitless. Von Swieten, it is true, during the reign of Maria Theresa, whose entire confidence he enjoyed, and his superintendence of the hierarchy and the monasteries, and the abbot Felbinger in regard to education and books for the lower classes, had attempted some slight and unimportant improvements, and the emperor's views on this subject coincided with those of all those Austrians who aided in the regeneration of German literature, and were therefore supported by them. Notwithstanding this, Austria, like Bavaria, was in spiritual matters exactly where it had been in the seventeenth century. Kaunitz's opinions of clergy and hierarchy went even farther than the emperor's, being founded on those of the Parisian philosophers, with whom the emperor disclaimed all connexion: he supported him therefore in his zeal against papacy, monachism and hierarchy, although in other respects he was by no means satisfied with such a hasty mode of reforming a country. Those men who assisted Joseph in these spiritual affairs are particularly deserving of notice here, because as learned and orthodox catholics they only opposed papacy, monachism, jesuitism and fanaticism, whilst they endeavoured by every means in their power to preserve and to establish the real and pure catholic doctrine. The most distinguished among them were Von Born, Von Sonnenfels, Von Greiner, the prelate Rautenstrauch, baron

Kresel, Molinari, one of the secretaries of state, provosts de Terme and Wittola, the chamberlain Valery, Riegger, Eybel, and Schneller. We mention these names principally to show that the emperor was by no means without competent and learned advisers, and that the most excellent men among the catholics themselves approved of his proceedings.

The chief of these changes consisted in the measures adopted in reference to the religious houses; and the emperor gave great offence by either wholly confiscating the conventual estates, or placing their administration under the superintendence of the government. This was however the very best means to put an end to monkery. Indolent young men, who preferred the easy comforts or at least subsistence of a monastery to the laborious pursuits of active life, no sooner found the means of such ease materially reduced than their number rapidly decreased, and so few offered themselves for the noviciate, that many of the religious houses, which had been previously accustomed to admit twenty novices in a year, now scarcely received two. Joseph indeed was blamed, not altogether without an appearance of reason, for having appropriated funds dedicated to religion to uses purely secular; this reproach however was really unjust. It is true that acts of embezzlement took place on the sale of ecclesiastical properties and church-plate; but, with the emperor's knowledge at least, no other use was ever made of these funds than that for which they were originally destined.

By the new methods introduced into the management of public affairs, the yearly expenses of the army were always covered, and the military chest required no additions. The moneys resulting from ecclesiastical endowments were appropriated to the building of churches, the fitting up of parsonages, and the maintenance of new priests in the country, particularly in the mountainous districts, and wholly applied to these uses. The emperor however erred in allowing many ecclesiastical estates to be sold under their real value, and more money to be expended in their administration than was either necessary or right.

The emperor always asserted, that he intended to interfere in the affairs of religion only so far as the outward discipline was concerned, or the secular administration, which was connected with the church and wholly dependent on the state; and pope Pius VI. appears to have believed this when he visited him in Vienna. It appears to us pretty certain however, from a pas-

sage (which we quote in the note) of a letter addressed by the emperor to cardinal Herzan in October 1781, who conducted his affairs in Rome, that he was perfectly aware that the clergy and the councils of the middle ages had so closely connected the internal discipline of the church with the external, that it would be impossible to make any improvements in the one without interfering with the other\*. He first issued a proclamation granting full toleration to all religious sects within his dominions, destroyed the close connexion which had subsisted between the several monasteries and convents, and Rome, and limited that power which had been exercised by the pope over the clergy of the Austrian dominions. To these measures he was principally induced by those doctors of the catholic canon law, who in their systems advocated the superior claims of the episcopal form of church government over the absolute monarchy of a papal government. In the latter of these measures Joseph founded his plans of improvement on an edict published during the reign of his mother in 1767, and on the firm opposition which Maria Theresa had always made to the jesuits and the popes, when they talked of making use of the bulls '*Unigenitus*' and '*In cæna Domini*.' Joseph however went farther than this; he forbade any bull or letter of the pope to be published in his dominions without permission first obtained from the legal authorities of the empire. It was further forbidden to apply directly to the pope in future instead of to the bishops and archbishops of the country for the remission of any regulations of the church, or for particular spiritual privileges. Inasmuch as the monks and their monasteries had hitherto served as an army of Rome, and as nurseries for the priests and teachers who were educated according to the manner most advantageous to the pope, priests were no longer suffered to be chosen from any of the religious orders; they were all to be taken from the ge-

\* Towards the close of this letter (in Brockhaus's edition, p. 52), he says: "It shall be my care that the building, which I am erecting for the future, shall remain firm. The general seminaries are nurseries for my priests: the ministers, who have received their education in them, will bring a purified spirit with them into the world, and communicate it to the people by means of a wise method of instruction. They will thus become christians after the lapse of a period of years; the different nations of my kingdom, when my plan is completely carried into execution, will become more fully aware of the duties they owe to God, to their country and their fellow-creatures; thus we shall obtain the blessings of ages yet to come for having freed them from the increasing power of Rome," &c.

neral seminaries which had been established by the emperor's order. Joseph even went so far as to issue an edict in 1787, prohibiting all persons from accepting any title, dignity, or other mark of favour from the pope, without first applying to the government for permission so to do. All clergymen were forbidden, on pain of losing their benefices, to pay any money for masses which were to be read out of the country; that is, in fact, for such masses as were to be read in any of the churches in Rome, or as it was called, on the threshold of the apostles.

The very first of these provisions, particularly those regarding toleration, and the destruction of the connexion between the various religious orders and a superior in Rome, together with their subjection to the bishops and archbishops of their provinces, aroused the fears of the ex-jesuits, and of their really good and well-intentioned instrument, the Saxon, or what is the same thing, Polish prince, the archbishop of Treves and bishop of Augsburg, who however possessed at the same time but very moderate abilities. Clement Wenzel of Treves might have kindly warned the emperor; Joseph would certainly not have answered him in the scornful and laconic manner he did, had he not known that the archbishop was merely a tool in the hands of the jesuits, and that a fanatical member of that body, the abbé Beck, had actually written the warning letter to the emperor. This was really the case, and the elector did nothing more than affix his signature.

In this warning letter, which the archbishop caused to be written and sent by a jesuit (in the beginning of June 1781), he particularly complains of five points, but more especially, that complete toleration had been proclaimed, and that for the future bishops were to be allowed to forbid such books only as had been denounced by the college of censors at Vienna. This jesuitical letter rather encouraged than restrained a prince who had such a decided confidence in himself and the correctness of his views as Joseph had: it however appears to us clear, from his answer to the archbishop, that he regarded this purely religious affair too much as a personal one, compromised his imperial dignity by the kind of irony which he adopts, and did not pay sufficient attention to the fact, that he had to do with the servants of a positive doctrine and church, and not with philosophers. His answer to the good archbishop's five points, whose only fault was that his warnings were too much in the spirit of the middle ages to be



agreeable to the emperor, consists entirely of the suggestions of the moment: he concludes his letter in the following manner: "In short, I conceive we both follow the most direct road to salvation, if we fulfil the duties of our several offices, and do honour to the bread we eat. You eat the bread of the church, and protest against all innovation; I eat the bread of the state, and defend and renew its original rights."

This absurd opposition gave the emperor fresh spirit, instead of frightening him from his purpose, for the principal changes were made after the date of the archbishop's expostulation. The latter however, or rather the jesuit who made use of his name, was not satisfied, and added fuel to the flame. The good elector was very much hurt at the emperor's answer, or rather at the tone in which it was written, and despatched another missive towards the end of November. This letter is entirely written in a spiritual tone, but is rendered vexatious, and even insulting, by a hint at the pains and punishments of a future state. The archbishop writes: "that, on the receipt of the answer of the German emperor, he had sincerely rejoiced at being thought worthy, after the example of the apostle, to suffer persecution for Jesus Christ's name's sake;" and he concludes: "*and I say with all the courage inspired by that office which has been confided to me, whatever may be the firmness with which your resolution of undertaking these changes appears now to be accompanied, a day will come, in which you will sincerely repent having ever adopted that resolution.*" The elector must have foreseen that this threat of future punishment could only serve to exasperate the emperor still further against priests and priestcraft; it will be seen however, from the passage of the emperor's answer, which we give in the note, that the latter on this occasion also allowed his hasty temper to lead him to pass the bounds of what was strictly becoming\*.

Joseph had established his reforming commission just about this time, and had appointed baron Kresel its president; he had

\* "I have just received the letter which your highness has been pleased to send me. I perceive that we are upon the same road. Your highness mistakes the form for the substance, inasmuch as I strictly confine myself to the substance, and merely wish to get rid of the abuses which have glided in and corrupted the purity of the same. Your letters are entirely tragic, mine quite comic; and although Thalia and Melpomene, as sisters, are not always associated on Parnassus, you will allow me to wait for the period when our sisters, descendants of Helicon, shall have become more closely connected. In this expectation," &c.

also published a special edict in October 1781, on the subject of the toleration which he had promised at the commencement of his reign, and granted even much more than he had promised; he had moreover taken the first steps in respect to the monasteries and nunneries in his dominions. Joseph fully demonstrated that his only object in thus interfering with the monasteries was the improvement of the moral and political condition of his kingdom, and by no means that of enriching the exchequer or of increasing his own private revenue with the money which pious men had devoted to pious purposes. This, as is well known, is more than could be said of Henry VIII. of England, or of many German princes at the time of the Reformation; and least of all, of those orders of knighthood in Prussia, Courland and Livonia, and their grand-masters, who applied to their own private use the lands and incomes of the monasteries, and made themselves hereditary dukes. Joseph did not, in the first place, destroy the rich foundations, or those monasteries which possessed large landed property, but, on the contrary, those which possessed no property at all, the inhabitants of which were the pest of the country, because, like pedlars, they effected an entrance everywhere, confirmed the people in all their superstitions, swallowed up the widow's and orphan's mite, and recruited the armies of begging monks from the people, increasing by this means the standing army of mendicant idlers in the country. These orders of mendicant monks, in conjunction with the jesuits, in Austria as well as in Bavaria and the Palatinate, had rendered idleness and their mechanical and totally useless religion so dear to the people by means of processions, fraternities, pilgrimages, festivals, &c., that all attempts at a better system of education were fruitless. Whoever is desirous of knowing what was the state of the capuchins in Vienna, for example, in the time of Joseph, should read the first 200 pages of the autobiography of one who afterwards became very much celebrated as an author, and who was at that time residing in a monastery in Vienna\*.

\* Fessler, who was afterwards so well known as an author, and who became in later years a protestant and general-superintendent in Russia, was at that time a capuchin in Vienna; and in his autobiography (*Dr. Fessler's 'Rückblicke auf seine siebenjährige Pilgerschaft. Ein Nachlass an seine Freunde u. seine Feinde.'* Breslau, 1824, 8vo.) he gives us a melancholy picture of the conduct of the liberal and illiberal monks. Fessler belonged to the former of these classes; he wished therefore to gain access to the emperor, and wrote a pamphlet under the title, '*Was ist der Kaiser.*' For this he was

Joseph, as we have already mentioned, had destroyed all connexion between the different monasteries in his dominions and a superior in Rome, as well as all connexion between the former and foreign monasteries, and had placed them under the direction of the bishops of their provinces: he next proceeded to remove entirely such as he judged to be unnecessary or injurious. In the year 1781, he issued an edict ordering all foreign monks to be removed from the monasteries then in existence in the Austrian provinces; and immediately after limits were set to the system by which the monasteries were recruited. Within the succeeding twelve years no novices were to be received. In the month of January 1782, a beginning was made with the suppression of some monasteries, namely those of the Camaldulan and Carthusian monks, and the convents of Carmelite, Capuchin and Franciscan nuns. Immediately afterwards an exact inventory was made of all property, moveable and fixed, belonging to the monasteries, the clergy, the foundations and fraternities. How beneficent these measures were for the Austrian states, from what a plague and from how great a number of blood-suckers the lower classes of the people were freed, must be acknowledged at first sight, if we only look at the list of the orders which were suppressed in the years 1782 and 1783, which had little or no property of their own, and were all therefore a burden to the people\*.

It may be stated in general, that the emperor, from the year 1782 till his death, that is, in about eight years, diminished the number of monks and nuns in his states by 30,000 to 36,000

tormented in the monastery, and at length through many channels made his way to baron Kresel, and through him to the emperor. The consequence of this step was the autograph note (Rückblicke, p. 153): "My dear baron Kresel, I return you herewith the book, which I have perused: the contents form the proper key to the conduct of cardinal Migazzi and the capuchins towards the fathers Innocentius and Seraphinus. *I hereby take both under my protection*; they shall remain in Vienna, and shall visit the university during their residence in the monastery; and I request you to inform the cardinal and the capuchins of my resolution as soon as possible, and particularly to impress upon them, that they are to refrain from any further ill-treatment of the fathers in question." The reader must compare with this what the abbé de Bellegarde informs us from the mouth of Provost de Terme, in his '*Nouvelles Ecclésiastiques d'Utrecht*,' 1824, the '*Beiträge zur Geschichte der Capuziner in Oesterreich*,' Cöln, 8vo, and the '*Oesterreichische Biedermanns-Chronik*,' Wien, 1784, 8vo.

\* In the fourth volume of Gross-Hoffinger's '*History of the Life and Reign of Joseph II.*,' which contains the state papers, a list is to be found at p. 239 of all the orders of monks and nuns which were suppressed in the imperial states in the years 1782 and 1783.

persons, who cost the country as much as a standing army of the same amount; and notwithstanding this, he left 1324 monasteries still in existence. The population of these remaining monasteries, which have been increased by others in the present century, has been estimated at 27,000 souls. In Belgium alone the emperor met with an invincible opposition to his measures against these institutions of the middle ages, which had outlived their time: in the other provinces the influence of the spirit of those of his contemporaries who were anxious for light was so powerful, although the number of these persons was but small, that the nobility, the priests, the populace, superstitious, idle, and devoted to church festivals and processions, lifted up their voices against him in vain.

For the rest, persons of common sense had not yet been rendered giddy by any romance, mysterious plans, or germanism; cardinal Migazzi, the archbishop of Vienna, therefore, only met with allies among authors whose writings no one but his clergy and parishioners would read. For this reason the journey of the pope, who was an excellent figurant, and who displayed much theatrical pomp in the course of his journey, produced very little effect. The Swiss author Müller alone expressed himself in the modern sophisticated manner on the subject of this journey, and seemed to imagine that he rendered his book important by manifesting, as a protestant, more respect for the pope than had been shown by the catholic emperor. Notwithstanding this, the momentary enthusiasm which had been kindled in South Germany by the visit of the pope very soon vanished into smoke.

Almost at the very time when Clement Wenzel was endeavouring to dissuade the emperor from his design of proclaiming universal toleration, and of improving the state of the monasteries, Migazzi despatched a missive to him, which Joseph immediately caused to be published, accompanied by notes from the pen of one of his advisers, a man exceedingly favourable to the principles of the catholic religion, but free from the bigotry which too often accompanies these principles. The archbishop, notwithstanding this, again took the field in defence of the begging monks, and in opposition to toleration. He addressed a long pamphlet, richly sprinkled with quotation from the Greek and Latin fathers, to the emperor, in which he spoke very much at large concerning holy and pious orders; but the emperor paid



as little attention to him as to the archbishop of Gran and primate of Hungary, a count Bathiany, who also violently opposed the emperor's plans. The greater number of the new schools and other educational establishments which the emperor had set on foot, did not answer the intentions of the well-meaning prince, owing to his too great confidence in himself and to his precipitancy; and this gave the ex-jesuits an opportunity to blame everything he had done. The emperor would have everything arranged according to his own plan: he could not employ any skilful and experienced men to aid him, for all such were well aware of the distrust with which a people receives a reform effected by force, and would not have consented to act in direct opposition to the prejudices of any party, when such opposition might be easily avoided by a little prudence.

A great part of the opposition offered to the emperor's plans of reform proceeded from Rome, where, as is well known, the principle is sustained, that everything in Europe must remain as it was in the times of Gregory VII. and Innocent III. and IV., when the sun was supposed to revolve round the earth, not *vice versâ*, when consequently no notice was to be taken of any advance or reform; Joseph therefore endeavoured in every possible way to lessen the influence of the Roman conclave within his dominions. By means of his officers, to whom he had given the duty of revising and examining all papal despatches, commands and communications, he caused the mode in which divine service was performed to be much simplified; all useless ceremonies, such as pilgrimages, processions, &c., to be done away with; German hymns to be introduced; and he thus, by doing away with the abuses which had crept into the system of salvation by works, made the catholic religion a matter of the heart, and one which exercised a suitable influence on the conduct. In furtherance of the same object, he directed that the Bible should be translated into the language of the country, and in September 1781 ordered that dispensations from fasts, and even in subjects relating to marriage, should not be applied for from the pope or from the papal legate, but immediately from the archbishops and bishops of the imperial states. Cardinal Migazzi, who, out of revenge for the loss of the bishopric of Waizen, had constituted himself the champion and defender of the papal power, was reminded of his duties as a subject by the confiscation of his income: and a law was passed forbidding any clergyman who

wished for a living in the Austrian states to study in Rome, and particularly to study the papal canon law. Those clergymen who received their education in the emperor's general seminaries were taught Riegger's principles of canon law, not those of the jesuits.

Pius VI. saw very clearly that the system of papal government had received a severe blow from the age and from its spirit; that it was threatened not only by the emperor, but also by the German archbishops, and still more in France: he endeavoured therefore to steer himself clearly through the danger. He first despatched a missive to the emperor on the subject of his conduct towards the various orders of monks; and then the legate Garampi handed in a note to the chancellor of state, which the latter answered in accordance with his principles, which were not particularly favourable to the clergy, and in a haughty manner peculiarly his own. In this answer he very exactly defined the limits which Joseph, as a temporal monarch, intended to set to the papal power, and in general to that of the church, without touching upon any dogmatical, or, strictly speaking, even clerical point. Kaunitz did not forget, at the same time, to blame the legate very seriously for interfering at all in a matter connected with the imperial administration, and particularly for employing language highly unsuitable to the occasion. The legate replied to this answer, but he changed his tone, and expressed himself with great humility; notwithstanding which, Kaunitz wrote to him on the 19th of December 1781, that he would neither read nor write anything more on the subject\*.

Pius VI. conceived the idea, that perhaps the unusual circumstance of a visit from the pope to the emperor, and particularly his personal appearance, might produce an effect which his missives and official notes had not been able to carry out; he therefore determined upon a journey to Vienna. The pope was a handsome man, and proud of his appearance; there was a kind of artistical nicety in the manner in which he wore the papal robes, and he exhibited a dignity and presence in performing his part of the ceremonies of the church well calculated to inspire

\* The chancellor of state says, in his short reply, "As it is the will of his majesty that no further inquiry is to be made into the subjects on which you express your opinion in your note of the 19th inst., the chancellor of state can only state to the legate that such is the fact."

respect: he produced therefore, as they say, a great effect whenever he appeared. Confiding in all this, the pope announced his visit to the emperor in December 1781, against the advice and wishes of the cardinals, set off from Rome in February 1782, and returned thither in April. The cardinals had clearly foreseen that Joseph's principles would not be staggered by the appearance of the pope, and that consequently the papal dignity must suffer by the journey. A similar fate awaited the journey itself, and Müller's sophisms in his 'Journeys of the Popes,' both book and journey, were soon forgotten, and exercised but a temporary influence. The journey of the pope however excited general attention. Thousands rushed to see him wherever he made his appearance; the streets and squares, where he pronounced the blessing in his dignified and imposing manner, were full of kneeling believers: even the protestants in Augsburg were enchanted with him, and this was made matter of complaint afterwards against the librarian in Augsburg by the other German protestants. The vanity of the pope was gratified; all that he obtained from the emperor however consisted of fair words; and the Romans took it very ill that an Italian allowed himself to be so deceived by a German.

Clement Wenzel of Treves, the city of Augsburg, Charles Theodore of Bavaria, and the Palatinate and the citizens of Munich, as well as the Bavarians in general, the Venetians, when the pope visited them too, honoured him as a god; but he made no impression at all on the two principal persons with whom he had to do, and for whose sake specially he had come, namely the emperor and his chancellor of state, at all times a prosaic diplomatist, and on suitable occasions a very ill-mannered one. However little we generally give credit to anecdotes, even when a Plutarch makes use of them, it is very probable that those which are told of the meeting between the chancellor of state and the pope, when the latter visited him, may be true, particularly when we consider the insolent manner in which he was accustomed to treat even Maria Theresa, as well as her court and family, and in which he behaved to his own guests without distinction of rank. If however he really received and saluted the pope on his visit in such an ill-mannered way as he is said to have done, we cannot but feel surprise that a statesman of so much knowledge and education could forget that he himself was a catholic, at least in form, and that the first spiritual prince in

the world, as well as a temporal prince of no inconsiderable authority, stood before him in the person of Pius VI. The emperor behaved with all proper civility on the occasion, but he paid no more respect to the pope's representations on the subject of universal toleration than he had done to those of Clement Wenzel.

The pope despatched an account of the results of his journey to the consistory at Rome, but the lords spiritual who composed that body, and who had grown gray in all the cunning and stratagems of the world, were but little edified by the report of their chief. From this time forward the pope and the emperor seemed to be endeavouring to keep each other in good humour by fair speeches; they remained on terms of amity, and corresponded regularly; but the suppression of the mendicant orders in the Austrian states proceeded without interruption, and Joseph did not give up the right of guardianship over the church and of the administration of its property which he had assumed. Maria Theresa had left in the power of the pope the privilege of choosing priests and bishops in the province of Lombardy, and Joseph had assured this privilege to Pius VI. at least for his own life; notwithstanding this, the emperor filled up the bishoprics of Milan and Mantua without asking his opinion, and when the archbishopric of Milan became vacant refused to accept any one of those whom the pope proposed, and this finally gave rise to a regular quarrel.

When Joseph at last (in September 1783) had nominated a Visconti to the archbishopric, the pope refused to confirm the appointment. Kaunitz then hinted, that in case the pope refused to confirm the emperor's choice and ordain his archbishop, the latter would revive the ancient Lombard custom of assembling all the Lombard bishops, and causing the archbishop to be ordained by them. At this time the ex-jesuit Beck was with the pope, the same who had previously written the letters of the archbishop of Treves, and who had been so pointedly alluded to by the emperor in his answer. Joseph therefore attributed it to his influence and that of his jesuitical brethren, that the pope took a step in reference to the Milan business which was entirely at variance with his general character\*. The letter which the

\* We will not attempt to decide what share the ex-jesuit Beck had in the letter of the pope; Joseph attributes to him a share in that of the elector of Treves, when he says in the postscript to his letter of the 24th of November



pope despatched to the emperor was conceived in such violent language that Joseph refused to receive it, and sent it back to the pope without any answer. The pope, or the German jesuit who composed the missive for him, alluded in this letter to the contents of that which Clement Wenzel had written to the emperor, and this induced the latter, when he returned the pope's letter unanswered, to send along with it the following note:—"That the emperor was convinced that the fictitious letter of his holiness must be the work of a man who wished to destroy the union which subsisted between them for their mutual advantage; that the emperor therefore expected from the justice of his holiness, that he would immediately inquire for the author of this insolent paper, and inflict upon him a punishment suitable to his offence."

Every one was prepared to see the emperor carry out his plan of completely freeing the clergy in his dominions from the power of Rome, when he suddenly changed his mind, and if he did not quite go backward, yet put a stop to all progress, inasmuch as he believed that the support of the pope would be necessary to him in the further prosecution of his plans.

Joseph was not sufficiently satisfied in his own mind as to the principles to be followed with respect to matters connected with divine service and the external administration of religious duties, to take a last decisive step. If we cannot lay much stress upon his assertion, that the doctrines and ceremonies of the church, which had been impressed upon his mind during his youth, continued to exercise the same influence upon him as in his younger days, it is certain he entertained a hatred against Frederick and against the trifling levity which he manifested against the clergy in general on the one hand, and on the other the French philosophers had rendered themselves too disagreeable to him, by their democratic and radical opinions in matters of politics, for him to agree with them in matters of religion. As soon as he was convinced therefore that the papal system of church government was much better suited to an absolute monarchy than the episcopal system, he came back again to the pope; and he arrived at this conviction during his visit to Rome in December 1783.

Men of understanding, experience and political wisdom, who

1781 to the elector,—“The abbé Beck shall have a share in my gratitude, in so far as he has assisted in procuring for me this flattering proof of the interest which your royal highness takes in me.”

only saw in religion a means of restraining and guiding the populace, such as cardinal Bernis and the chevalier d'Azara, of whom the former managed the spiritual affairs of France, the latter those of Spain, were easily enabled to make the emperor comprehend, that in case he quarrelled with the pope he would fall into the power of the enemies he most dreaded at home. As soon as he should leave the entire spiritual direction of his kingdom in the power of the bishops he would fall into the hands of the aristocracy, to whom he had always preferred the commonalty in his administration of his states; for the chapters out of which and by which the bishops were chosen, consisted of the higher nobility. It is quite certain that the above-named persons changed the emperor's opinions during his residence in Rome; we leave it undecided however, whether they communicated to him that the abbé Ciofani, who was at that time, in secret, principal of the order of the jesuits, or at any rate the central point round which all the secret plans of the ex-jesuits turned, on behalf of the king of Prussia, with whom he certainly was in direct communication, was laying all sorts of obstacles in the way of Joseph's political plans of reformation. However this may be, Joseph ceased from that time forward to vex the pope in trifles, and the latter, in the expectation of better times, which have also actually arrived since 1814, laid no more considerable or public obstacles in the way of the despotic reformation of the spiritual condition and of the mode of education in Austria which the emperor was endeavouring to carry out.

The emperor had just then given great offence to the Hungarians, who were always ready for a revolt, because the nobility were all soldiers and had many soldiers under their authority, by his open contempt for and violation of their constitution; and this was increased by his diminishing the revenues of the bishops of that kingdom, and obliging them, although nobles with immense establishments, to be content with the salary of a civil officer. He reduced the amount of income of the bishops and archbishops from 900,000 to 265,000 florins, so that a bishop only received 12,000 florins a-year and an archbishop 20,000. The Hungarian clergy therefore aroused and kept up the discontent of the people concerning violation of the constitution, contempt of the crown, the coronation, and the language, by every means in their power, and the emperor then usually had recourse to arbitrary measures, instead of introducing a legal order of things as

he had intended. He could not therefore do without the pope, and was obliged to give up the greater and nobler intention of reaching, as German emperor and with the assistance of German archbishops, that goal which Frederick II. had vainly endeavoured to attain during his whole life, in order to carry out measures in his own paternal states, which, because they did not suit the old, long-forgotten canon law which the German archbishops wished to retain, could last no longer than his own life.

The pope himself never has been, nor is yet able to manage the spiritual aristocracy, which acts as a consistory and council to him, when the integrity of the power of Rome, or even of the remains of the splendour of the old ruler of the world, is at stake. The cardinals were therefore very far from satisfied, when the pope announced to them in 1784 that the long contest between his holiness and the emperor concerning the bishopric of Milan had been at last amicably settled; and this dissatisfaction increased, when the emperor, in the following year (1785), assisted by the four principal archbishops of Germany, appeared to wish to establish an entirely new German system of canon law. The origin of this was as follows:—Charles Theodore of Munich, who was passionately fond of spiritual pomp and parade, and entirely in the hands of the jesuits, was very much rejoiced that the pope considered him worthy of the honour of having a legate sent to Bavaria, inasmuch as this placed him on a par with the more considerable sovereign princes, and connected the clergy of the country immediately with Rome, to the detriment and injury of the heads of the German church. The legate, whom Pius VI. despatched to protect the papal rights in Bavaria and the Palatinate, as well as in the duchies of Juliers and Berg, at the expense of the Germans, who were considered by the Romans as very simple, and therefore very useful for them, was received in Munich as a messenger from heaven, and all Bavaria rejoiced in being immediately dependent on Rome. The primate of Germany, whose rights had been attacked, and the archbishop of Salzburg, whose see was intruded on, were so much the more discontented. These two archbishops protested against the violation of their rights as principal pastors of all German sees and dioceses, consequently against the violations of German canon law, which had been many and serious since the fourteenth century, had caused very many complaints, and had cost the German people, who always write and never act, very

considerable sums for paper and writing materials. These two archbishops were joined by Joseph's brother, the elector of Cologne; and even the elector of Treves considered himself compelled to join the union of the three other archbishops, to protect the independence of the German church, which had been so shamefully compromised by Bavaria. The archbishops of Salzburg and Mayence at first applied to the German emperor as their natural protector against Roman claims, and he at first heartily joined their cause. Joseph replied to their application, "That a papal legate could be considered in no other light than as the ambassador of any temporal prince, and that he would never allow any such legate to exercise any spiritual jurisdiction in the empire or even at his court." This answer was officially communicated to the pope, and shortly afterwards, in October 1785, an imperial edict was published, by which legates were forbidden to exercise any spiritual jurisdiction in Germany. We can best see, from 'Bronner's Life,' how necessary it was for the Bavarians to obey this imperial edict, inasmuch as the nuntiature and even the agency at Rome was made the instrument of disgraceful swindling transactions; that consequently, in addition to the lotteries, the monks, the idleness and stupidity of the people, the operations of the Roman *chevaliers d'industrie* became a crying evil.

The electors of Mayence and Cologne immediately endeavoured to enforce the imperial edict, but unfortunately the higher nobility, in whose hands the chapters and bishoprics were, had no more idea of patriotism than Charles Theodore, his mistresses, jesuits, priests, and natural children. Pacca and Zoglio, the papal legates, Romans in that Rome, where, as Dante says, they can be Romans even without Christ, were able to come to an arrangement with the bishops, who would rather have to do with Italians than with the German archbishops; they relied on the monks, the abbots of the empire, who were sovereign princes, on the monasteries, canons, and innumerable priests, with whom Germany was then overrun, and defied the powerless German canon law. Pacca, in his reliance on the Westphalians and the inhabitants of the circle of the Lower Rhine, even had the impudence to issue a circular to all prelates and priests within the archbishopric of Cologne, in which he forbade them to recognise any permission to marry within certain degrees of relationship always previously allowed, which might proceed



from the archiepiscopal authorities, without a particular papal ratification of such permission. At that time however, even in the electorate of Cologne, people's minds were of a different stamp from what they are in our days; the new university in Bonn had diffused light, and not, as is often the case with theological institutions, made the darkness thicker by a sort of philosophical phantasmagoria; Pacca therefore was not listened to, and his commands were not obeyed. The chancellor of the empire issued a decree against the impertinent letter of the legate, and reproved the elector of Bavaria in rather strong terms, for having betrayed the empire and his own subjects to foreign priests, in order to please the pope. The German archbishops remembered how shamefully they had been deceived by Æneas Sylvius, afterwards pope Pius II., by means of bribes given to the chancery in Mayence, at the time when the French, on the occasion of the council of Basle, had obtained those privileges for the Gallican church by means of the pragmatic sanction, which had ever since been a thorn in the eyes of the Romans. They had then agreed upon *one* concordat, and had received a very different one; or, in other words, by means of a piece of legerdmain, instead of the golden watch which they had entrusted to Æneas Sylvius and to the emperor, they received a wooden one in return. The archbishops had the greater reason, now at the end of the eighteenth century, to make good what they had lost in the fifteenth, as Rome had not even fulfilled those promises which she had made during her dilemma between the council of Basle and the German prelates. Unhappily, there was no other means to be employed on this as on other occasions, except the despotic power of the emperor, if the confusion was not to be made worse by endless quarrels and a number of useless councils; this despotic power of the emperor was not according to the taste of the archbishops, and an oligarchy of the archbishops alone would not be listened to for a moment either by the bishops or by the emperor, and consequently the whole plan failed.

In order at last to obtain a German canon law, or at least to put a stop for ever to the claims of Rome, a national council would have been necessary, and this must have been called by the emperor; but the emperor had at the time enough on his hands, had to contend with discontent in all the provinces of his dominions, and, in addition to this, found it easier to come to

terms with the pope than with the whole clergy. He was, besides this, no friend to assemblies of the states, either in reference to matters of religion or of politics. But there was at this time an especial reason which prevented the emperor from espousing a cause which principally concerned the elector of Mayence, and was carried on chiefly by him as primate and principal chancellor of the empire. The elector of Mayence, in the very same year, had organized a temporal oligarchy of German princes against the emperor, under the name of the 'Fürstenbund' (alliance of the princes); the emperor was therefore naturally afraid, that in the congress at Ems a spiritual oligarchy of the German archbishops might be founded.

The archbishops held a congress at Ems, where their territories and sees met and ran into each other: at this congress they caused their learned clergy and the theological lawyers to set down the heads of the papal canon law contained in certain decrees of a pretended Isidor of Seville in the ninth century, which Gregory III. had forced upon the whole of the western christian church in the eleventh century, and which they were determined no longer to acknowledge. This episcopal canon law, set down in twenty-three points or articles at the congress of the archbishops, and opposed to the papal canon law, is known by the name of the 'Punctuation of Ems.' The emperor had advised, that the other German bishops also should be invited to be present at the first conference; but if we except the bishop of Würzburg and Bamberg, reason or argument would have had no effect upon them: it was very prudent, that before summoning to the conference those who, although they saw, pretended to be blind, the archbishops caused to be set down by learned, religious, but also intelligent and patriotic men, those points about which they were willing to treat in a friendly manner with the pope, before proceeding to make laws of their own. The archbishops were however too well acquainted with the Roman obstinacy and the cunning waiting of the conclave for better times, to hope for any advantage from negotiation; they therefore applied to the emperor, who made use of this German affair to further the political reforms which he was planning in his own states, to frighten the pope with the archbishops, and the latter with the former, in order to make use of both parties to his own advantage.

The archbishops applied to the emperor, communicated to

him the paper on which they were agreed, explained to him that they had laid it before the pope for his approval, and begged the emperor, in case the pope should refuse to acknowledge their 'Punctuation' within two years, to summon a national council, at which the pope's consent was not necessary, as in an assembly of the church. The emperor answered their application on the whole favourably, but without going at all into particulars; he at the same time did not even positively declare himself favourable to the punctuation in his answer, but to a certain extent evaded the archbishops, by advising them again to consult the other bishops, and even some of the most distinguished of the catholic temporal princes. This was enough to prove that the emperor would rather favour the pope than an aristocracy of spiritual princes, in order not to have an oligarchical theocracy against him; for this consulting of persons most widely differing in opinion was the same as putting off the decision to an indefinite time (*in calendas Græcas*); the emperor however gave this to be understood in another way. At the emperor's instigation a commission was appointed by the chancellor of the empire to examine the punctuation; but so many difficulties were thrown in its way by Bavaria and the Palatinate, and, what is remarkable enough, by the elector of Brandenburg, that the progress of the commission very much resembled that of councils in general, where great noise is made and no result is arrived at. The chancellor of the emperor did not give a favourable opinion as to the punctuation; and it was a great piece of good fortune that the war produced a complete revolution in 1814, otherwise the system, which we see in our days rising up as a shadow and wandering about like a spirit in clear noon-day, would have retained its body and have seized upon us with a nervous grasp.

Joseph's brother Leopold, who had become an Italian among Italians, and who played a double part until his end, was at that time ruling in Tuscany as a reformer, legislator, sage and economist, as he afterwards governed Germany and his hereditary states as the reviver of all abuses, the persecutor of every free expression of opinion, as the protector of a system of espionage, and the defender of despicable informers. At that time he went further than his brother Joseph, for the latter refused his protection to the favourers of the old episcopal system of church government in Germany, while the former granted his to the prelates of Tuscany, who wished to free themselves from the

oppression of Rome. The Italians were to receive from the bishops of Tuscany a moral religion instead of music and ceremonies, jansenistical severity instead of the easy absolution of Rome, a simple clergy instead of the pompous escort of the pope, by means of which Italy, and particularly Rome, managed to retain the shadow of its former power: such provisions could not therefore be lasting. We must however mention the attempt, if it were only to prove that prejudice is everywhere more powerful than principle, and that even freedom, if it is intended to be lasting among a people, such as the most of those in our civilized states are, must be based upon the former, not on the latter.

The clergy of Tuscany, who, like the better part of the French clergy, had long professed jansenistic opinions, and who were for this reason more hated and persecuted by the Roman part of the clergy than unbelievers and heathens, took advantage of Leopold's zeal for reform to get rid of abuses in the church and to restore the old church discipline. Leopold had arranged the administration of the country entirely according to the principles which were received by the national assembly in France at a later period; he had provided for agriculture and economy, for civil and criminal law proceedings by means of laws and regulations, the collection of which forms a model for the laws of a monarchical state: it was natural therefore that the administration of the affairs of the church should come under consideration in its turn, as soon as Ricci became the head of the Tuscan clergy. Ricci was a zealous jansenist: as soon as he became bishop of Pistoia, he assembled in that town a provincial council, and excited the clergy of Tuscany to so spirited a resistance against the encroachments of Rome, that, as long as the emperor Joseph lived, and his brother remained consistent to his principles, the clergy of Tuscany maintained possession of rights and privileges which the defenders of the ancient christian (but not papal) form of church government vainly endeavoured to obtain, and have not been able to obtain till this day.

The resolutions of the provincial council of Pistoia are known as the 'Propositions of Pistoia,' because fifty-seven resolutions, embodying various reforms in church discipline and canon law, were laid before the prelates who met there in the year 1787, and the greater number of these propositions were received.



According to these synodal resolutions of the prelates of Tuscany assembled in Pistoia, not only was the former papal canon law entirely set aside, but also the essential part of religion was clearly distinguished from the accidental. The strict moral doctrines of the jansenists and early christians, which had been entirely forgotten in the ceremonies and creeds of the church, were declared in these propositions to be the principal part of christianity, and the merely external part of the service, which produced no good effects on the heart or conduct, was especially disapproved of and rejected. That such principles could be carried out in such a country as Tuscany was indeed not to be expected; a country where morality was considered as prosaic, we might almost say, stupid, where poetry and the arts direct every man's life, and have themselves their origin in the artistical form of the worship, and where the common people have not the least idea of economy, order, cleanliness, domestic restraint and prosperity. The people were very willing to believe the jesuits, monks and papists of the country, and particularly the pope himself, that the moral catholicism of the synod of Pistoia was nothing else than the devilish doctrine of the heretic Luther, whose very name is the more dreadful to the Italians and Bavarians, the more falsely and disgracefully he is represented to them every day from the pulpit, in common life, and in the writings of the jesuits and capuchins, both with and without cows.

The pope was notwithstanding obliged to be an idle spectator of the clerical proceedings in Tuscany, and to wait for the time of reaction, because his first steps had been rendered of no effect by Leopold's firmness and Ricci's resolution. When the synod of Pistoia had approved of, and adopted as their own, the four celebrated propositions which the Gallican church, at Louis XIV.'s instigation, had opposed to the encroachments of the pope in 1682, the pope issued a special bull against these propositions which were thus made the foundation of the church of Tuscany, and in this bull the synod itself was in fact condemned. He declared in this bull, that their approval of these propositions was vexatious and insulting to the holy chair; but he made use of very different language some time after, when the time of reaction and of the preservation of all abuses returned. This however did not happen within the period treated

of in this volume; we therefore merely remark, that the pope premised the destruction of that administration of the affairs of religion and the church which Leopold had brought about, and the persecution of the noble-minded men who had been instrumental in this change, by condemning, under an entirely papal government, the propositions of Pistoia as errors and as schismatic, that is, heretical doctrines. For the consolation however of all those who believe themselves threatened in the present day with the loss of the progress which has been gained with great labour, we may just remark, that any one who travels through Italy, even till the present day, recognises at first sight that the wise, and in every respect excellent government of Leopold (from 1765 to 1790), has left effects which are yet to be seen and felt in Tuscany, and by which this land is even now distinguished from all other Italian states, in the same manner as the beneficial reforms of the emperor Joseph in Austria have not yet been rendered quite useless. The latter had involved himself in so many difficulties at the time of the synod of Pistoia, by his too great activity, his eagerness, and great self-confidence, that he had very good reasons for not wishing to break with the pope. We have already seen, and have remarked on many occasions, with what anxiety king Frederick watched the proceedings of the hasty and enterprising emperor, and opposed the progress of them wherever he could, in order not to be obliged to have recourse to arms, as was the case in 1778. He had founded the Fürstenbund at the time of the congress of Ems, and his successor was compelled to make serious preparations for war, by the war which had been agreed upon by the emperor and the empress of Russia at the time of the synod of Pistoia. Even France, which was at that time closely connected with Austria, which in consequence of the weakness of its government endeavoured to avoid any quarrel, and which, in consequence of the decided influence of the queen, and to the great dissatisfaction of the French patriots, favoured the emperor in every possible way, found itself at last obliged to oppose his innovations, when he, in opposition to all treaties, wished to make use of his right of common sense, and entirely disregarded all positive right, in the matter of Holland, because he believed that the Dutch were not strong enough to defend themselves. France, under these circumstances, found itself

obliged to take the part of the Dutch, inasmuch as it had been fortunate enough, by means of the American war, or at any rate during the war, to disturb the close connexion which had subsisted between Holland and England.

There was a near connexion between the emperor's undertakings against the pretensions of Holland and the abuses in Belgium, the steps to which he resorted against the high nobility of his hereditary states in favour of the oppressed people, and his interference, from the most admirable reasons, in the whole system of judicial administration. We shall explain both by an example before we proceed to a further notice of Dutch and Belgian affairs.

In order to deliver the peasants from severe oppression, the emperor caused a new system of taxation to be proclaimed throughout his hereditary states, which was highly favourable to the peasants but disadvantageous to the nobles, who raised and kept up a dreadful outcry. The whole measure, however, was frustrated by the emperor's vehemence and precipitation. Joseph in this case stood alone; he was a witness to the display both of evil intentions and passive resistance, and this induced him to be too precipitate in the measurement of the lands: and because there were too few persons to be found capable of properly performing the duty, and the business fell into the hands of unskilful people, the consequences proved highly injurious. This circumstance furnished the nobles with an opportunity of throwing all kinds of difficulties in the way, and at the same time of exposing the emperor's views either to ridicule or contempt. That this was really the case is evident from the words of count Chotek, when he relinquished his situation, regarding himself in some measure as a martyr in the cause of the nobility.

Count Chotek was greatly favoured by Joseph, and enjoyed the office of court chancellor of Bohemia. In the course of the duties of his office he was called upon to promulgate the new system of taxation, against which he had made various urgent representations to the emperor. The whole of his reasons and arguments were founded on the fact, that the system would prove injurious to the nobles. The emperor continually replied that it would however be favourable to the peasants, and continued to persevere in his plan. Count Chotek, on finding all

remonstrance useless, resigned his office in order not to be obliged to sign the decree, and thereby exposed this most popular measure to the hatred of the country. The language which he employed in his letter to the emperor serves to prove, that he was precisely of the same class as Van der Noot and his accomplices. "*My conscience,*" he writes, "*will not suffer me to put my name to an ordinance which is unjust towards the nobility.*" The emperor had previously said to him, in a friendly tone: "*Dear Chotek, is it not better to make some concessions to the peasants, than that they should give us nothing?*" Chotek replied: "There is no fear of that, since the troublesome can be urged to the payment of taxes by force." "*By force!*" rejoined the emperor; "*physical force is always with the third estate: believe me, if the peasants WILL not, all is up with us.*"

In the same manner, the emperor's love of justice and his desire for its impartial administration were the causes of discontent and resistance. He was unable to trust any one, and therefore laboured alone to correct the tediousness and abuses of the tribunals. He was obliged to have recourse to autocratic vehemence to ensure the smallest success. This necessity was often disadvantageous, and gave his opponents occasion to charge him with severe and arbitrary conduct. The whole system was a mass of embezzlement, venality, corruption and shameless bribery, which prevailed to such an extent as to endanger the stability of the empire. It was quite impossible to remedy these evils so long as the courts of law were inactive or powerless against persons of rank or consequence; and the emperor, who saw that the authorities, courts and privileged classes were united in a common band against a fair administration of justice, undertook in person to watch over its administration, and insisted upon the exemplary punishment of public offences in the cases of the rich as well as of the poor,—even in the case of those who enjoyed the greatest favour. From a feeling of distrust in the explanations of the law, he committed the error of often preferring his own sense or feeling of right and wrong to both the law and the opinion of the judges. When therefore the judges, for reasons of all kinds, sought to soften the rigours of the law, he often suffered himself to increase the severity of the punishment in the cabinet, as is the custom in Russia. This was ascribed to cruelty, although the emperor was certainly not



cruel, but merely wished to keep the aristocracy within certain limits. In consequence of such proceedings the aristocracy succeeded in drawing the people over to their interests, by accusing the emperor of violating the law. It is evident that Joseph's severity was especially directed against public officials and the aristocracy, from the fact that the two cases of which his enemies availed themselves to prove that he was a tyrant, both affect persons of the higher classes. These were the cases of count Podaczky-Lichtenstein and lieutenant-colonel Sczekely, although the augmentation of punishment in the case of the latter, when properly considered, was merely a change of its form, which Sczekely regarded as an amelioration.

The emperor had taken up the idea, which was an excellent one in itself, of freeing his Netherlands from the troublesome protection of the seven united provinces, which had been forced on them by the peace of Utrecht, and of removing the disgraceful bar to the navigation of the Scheldt; this plan however involved him in a quarrel with the Dutch, who confided entirely in the French. The quarrel between Holland and the emperor is doubly important for the European history of the period. In the first place, it was clearly shown on this occasion, that the more eagerly and hastily, and with all contempt for advice, the emperor adopted his resolution, the more easily was he frightened by unexpected obstacles and serious resistance. In the second place, this quarrel was important, because the breaking out of the Dutch revolution was hastened by it. The resolution of Joseph, to make use of the right of reason in the case of the Dutch, in opposition to privileges, charters and seals, and to obtain for his Belgians in their own country the same rights which the Dutch enjoyed in theirs, had been matured during his journey through Belgium immediately after his accession, and the visit which he had afterwards paid to Holland. It made him angry when he saw how unfavourably Amsterdam was situated for a place of great trade, and how favourably Antwerp was; that in the former city, life, motion, and great riches were to be found, whilst in the latter all was desolate and deserted, so that the Dutch had founded their prosperity on the ruin of their neighbours. He was still more vexed that his fortresses in the Netherlands should be garrisoned by Dutch troops. The emperor had entirely neglected the state of the

army in Holland, and had found the army and navy in the most wretched condition: the fortresses in Belgium were also neglected by the Dutch, the garrisons badly kept up, and notwithstanding this, he was obliged to allow the Dutch, according to the provisions of the barrier-treaty, to raise contributions in certain districts of his country, ostensibly for the purpose of keeping the fortresses in repair and of paying the garrisons, which were however never complete.

The barrier-treaty, which Joseph wished first of all to get rid of, had been forced upon Charles VI. by queen Anne, or rather by the tories, who were forming their ministry at the time of the congress of Utrecht, in order that the Dutch (1713) might be sooner induced to sign the conditions of peace. According to this treaty, Holland was to be allowed to garrison the Belgo-Austrian fortified towns, Namur, Dornick, Menin, Furnes, Warneton, Ypres and Knocke, and a Dutch-Austrian army of from 30,000 to 36,000 men, of whom three-fifths should be Dutch and two-fifths Austrian troops, was to protect the eastern part of the Netherlands against France, as an attack upon the seven provinces and their lands might easily be made from that side. The relation of Austria to Belgium and Holland became much more oppressive in the course of the first twenty years after the peace of Utrecht, because first in opposition to Alberoni, and afterwards in opposition to Charles VI.'s projects of trade, and against the East India Company in Ostend, the English and Dutch united in compelling the emperor to agree that no Indian trade should be carried on either from Ostend or Trieste. First (1722) the trading company in Ostend was suppressed, and afterwards (1731) it was settled, that not only the maritime towns were to derive no advantages from their favourable situation, but also that the mouth of the Scheldt, and consequently the excellent harbour of Antwerp, should remain closed for ever. It was further agreed, that in case of violation of this latter clause, the Dutch forts at the mouth of the Scheldt should be permitted to fire on any ships coming from Antwerp.

The power and prosperity of Holland however decreased during the first half of the eighteenth century precisely in the same proportion as England became richer, more powerful and more enterprising, and increased her naval force to an almost incredible degree; and this decrease continued till the Dutch go-

vernment, which received annually half a million of guilders for the troops and the repairs of the fortresses, did not fulfil the conditions on which they received the money\*.

The Dutch in the garrisons had not even assisted in attaining the object for which the fortresses on the frontiers had been given to them. When in the year 1745 the French advanced against these forts, the Dutch troops abandoned the posts that had been confided to them without making any resistance, because the states-general hoped by this means to avert the storm from themselves, in which hope they were however deceived. The French leveled the fortifications with the ground, and the Dutch were deprived of their right of garrisoning them during the whole of the seven years' war. In 1763 they were permitted to send troops thither again, but as they did not rebuild the fortifications, they did not receive the subsidies which had been granted to them by the barrier-treaty. When Maria Theresa in 1776 refused to allow the right of the Dutch to certain districts and places according to this treaty, because it had been forced upon her father without regard to his duties towards Belgium, both Joseph and Kaunitz endeavoured to persuade her to declare the treaty null and void, but in vain. Joseph had hardly returned from his first journey in the Netherlands, when he declared that he would no longer suffer any foreign troops to remain in Belgium. In March 1783 he actually compelled the Dutch to withdraw their troops, but even then roused all Europe against him, less by the act of violence itself, than by the very dangerous declaration of his chancellor of state concerning existing treaties.

The negotiations concerning the evacuation of Belgium by the Dutch were carried on at Vienna between count Wassenaer and prince Kaunitz, and the latter used such a haughty and contemptuous tone in speaking of the existing treaties, and the rights of the weak against the strong, that the count did more harm to the emperor's plans by the mere publication of his conversation with Kaunitz, than he could have done by the

\* The original subsidy to be paid to the Dutch, according to the provisions of the barrier-treaty was, 1,200,000 guilders; the tax-gatherers in certain districts were ordered to pay certain sums immediately to the Dutch government, and in case this was not done, the Dutch troops had the right of seizing upon property in execution.

most cunning diplomatic intrigues\*. The Dutch were at this time not very much liked or respected in Europe, on account of their narrow policy, and their continual and public internal dissensions and often contemptible quarrels, in which, generally speaking, both parties were in fault or despicable; but all Europe would be obliged to take their part if the emperor's thoughts corresponded with Kaunitz's expressions. That this was actually the case was soon apparent, when he prepared to act according to the instructions which Von Nenny, president of the Belgic privy-council, had formerly written out, in order that he might perfectly understand the state of affairs in the Netherlands. In these well-known instructions, of which Dohm has made excellent use in his 'Memorabilia,' Von Nenny advised the emperor to revive all the long-forgotten claims to Dutch villages and districts which could be deduced from the circumstances of the sixteenth century, and to enforce them now, as everything was very favourable to the attempt. This was at the time when Spain and France had concluded the treaty of Versailles for their mutual advantage, without paying any particular regard to the situation of Holland, and when the connexion, or rather complete union, with England had not yet been brought about.

The conduct of the emperor towards the Dutch was one totally unworthy of a noble-minded man, as Joseph was, who loved justice, though indeed he often exercised it somewhat arbitrarily; it rendered him contemptible, when after all he was unable to carry out his intention, and, what is worse for a powerful ruler, even ridiculous. He began by several chicaneries, somewhat similar to those by which Prussia had just at that time got possession of Dantzic, and which she practised at a later period against Nuremberg, after having obtained Anspach and Bayreuth; but particularly by demanding from Holland possession of the village of Doel, in the neighbourhood of the Dutch fort of Liefkershoek, and of fort St. Donaas between Sluys and Bruges. The Austrian troops took possession of the village by force, and drove out the Dutch from their habitations in the midst of peace. As this affair was too inconsiderable for foreign powers to interfere, more considerable demands were now made.

\* 'Réflexions sur une Conversation ministérielle entre le Prince de Kaunitz et le Comte de Wassenaer,' 1782.



Joseph not only demanded Maestricht, but presented a whole catalogue of places which the Dutch were to give up to him. We give this list in the note, because the emperor states in the very first article, that he would pay no attention to any grants which had been made by the Spaniards to the Dutch, out of gratitude to the latter for having defended the frontier of Belgium against the French\*. The Austrians however offered not to insist on this long list, if free navigation should be permitted on the Scheldt, so that Antwerp might be allowed to reopen its port: the impatience of the emperor however would not allow him to wait the event of the negotiations; he demanded peremptorily, by a note of the 23rd of August 1784, that the Scheldt should be immediately opened, and promised in this case to desist from all further demands.

The emperor conducted himself on this occasion, on which he would not even learn carefulness and caution from Kaunitz, exceedingly imprudently and in opposition to all the rules of sound policy. He wished to declare Antwerp a free port, being perfectly confident that the Dutch would not dare to oppose him, and the president of his government in Brussels declared that the emperor considered the navigation of the Scheldt entirely free, and that he should consider any hindrance offered to the free navigation of his subjects as an act of hostility and a declaration of war. By this step, of which Kaunitz very much disapproved, the emperor was involved in more difficulties than he had imagined. The old king of Prussia openly expressed his dissatisfaction, and applied to Russia to know if he ought not to

\* This list was as follows:—1. Austria will only acknowledge the boundary-treaty of 1664, and requires that everything which has been since ceded by special treaty shall be restored. 2. The Dutch forts Kruitschanz and Frederick Henry shall be destroyed, and any parts of the fortifications of Liefkershoek and Lillo which pass the boundary line as formerly laid down, shall be thrown down. 3. The guard-ship which the Dutch have kept off Lillo shall be removed, and the whole Scheldt shall for the future be under the management of the imperial government. 4. The town and fortress of Maestricht shall be ceded to the emperor, because this was promised by the Dutch in the treaty with Spain of the 30th of August 1573. 5. All the country beyond the Maas shall be ceded as belonging to Maestricht. 6. Several other districts and towns shall be ceded for the same reason. 7. The Dutch shall restore all revenues received by them from the districts now to be ceded since their occupation of them. Articles 8, 9, 10 and 11, contain merely regulations concerning the return to be made by the Dutch for the advantages they had enjoyed since the seventeenth century from the treaties which the emperor now declares null and void.

go further. Louis XVI. was however placed in the most perplexing position by this step on the part of his brother-in-law. The ministers, particularly Vergennes, and the whole French nation, impetuously required that France should assist Holland in the matter; the queen, on the other hand, spared no pains in persuading her husband to act in opposition to the will of the nation, whose organ on the present occasion was count Mirabeau, who, some years later, directed the course of the revolution. He wrote at this time in his violent manner, but in one which quite suited the state of excitement in which France then was, on the subject of Dutch affairs, and took the part of the patriotic party in Holland, the aristocracy of the feudal times and of money, which was in other respects detested by him on account of its meanness and love of money, in opposition to the emperor, who is represented by him as a dreadful tyrant and despot.

Mirabeau's pamphlet against the emperor was indeed forbidden in France; but preparations were made at the same time in order openly to assist the Dutch, in case mediation on the part of France should prove of no avail. The French were allowed, that is were ordered, to serve in the Dutch army, French engineers and provisions were despatched, and French staff-officers directed the operations which the Dutch carried on for their defence. The Dutch next compelled the French, against their will, to commence hostilities against the emperor, who was on the point of sending an army of 40,000 men to Belgium, and actually had despatched some of them, by some acts of hostility which they committed, relying on the support of France, when the Belgians attempted to make use of the permission which had been published by the government at Brussels. As the brigantine *Ludwig*, captain *Iseghem*, was sailing down the *Scheldt* on the 8th of October 1784, the Dutch fired on her from *Saftingen*, and compelled her to return to *Antwerp*. Another ship of the emperor's, which was coming from *Ostend* and attempted to sail up the *Scheldt*, was detained at *Vlissingen*, but was afterwards permitted to return.

From this moment everything assumed a warlike aspect: the imperial troops marched, the Austrian ambassador was recalled from the *Hague*, and a national feeling was manifested through the united provinces which had long been wanting; a Dutch army was collected on the borders, and French officers organized

this army and the reinforcements which continued to arrive. It was exactly at this period that the contests of the cities of Holland with the government of the stadtholder reached their extreme point, so that the duke of Brunswick found himself compelled to quit the country. He had been formally deposed by the parliament of the province of Holland in the month of July, at the instance of the cities of this province: the parliament had announced to him in an insulting resolution, that they should only continue till the end of the year to pay the sum which the province of Holland contributed to the money destined for his use; and Zealand afterwards adopted the same resolution. The duke applied to the other five provinces towards the end of August, but he perceived in September that he could no longer sustain his position, and therefore handed in his resignation on the 14th of October, after having retained his dignity as an Austrian field-marshal during the whole of this time. The fact of the Dutch having fired upon the Austrian vessel on the 8th of October had considerable influence in bringing him to this resolution.

However bad the preparations of the Dutch were in the distracted state of their civil government and the administration of their military affairs, the emperor proved himself on this occasion to be still weaker than they were, and did not even dare to inflict on them a sudden and expressive punishment for the insult offered to him, as the prince of Ligne, the commander of Antwerp, wished to do. The latter was on the point of taking possession of the forts of Lillo, Liefkershoek, Kruitschanz and Frederick Henry, to revenge the injury which had been done to the Belgians by the detention and attack of their vessels, and by the preparations for defence which the Dutch were erecting in the neighbourhood of the Scheldt; but to do this he required permission from the government in Brussels, and they did not dare to give it him. Vergennes, who continued to be minister of foreign affairs in France till his death in February 1787, took advantage of the emperor's delay and hesitation, and of the helplessness of the Dutch, to complete an alliance which had been till now always prevented by the Orange party. France obliged the emperor by threats to accept its mediation in the matter of Holland, and by this means sealed the bond of friendship, which Prussia and England found means to dis sever on the occasion of the Dutch revolution.

Vergennes set the seal to his long diplomatic career by the masterly manner in which, without displeasing his king by any open act of hostility against his brother-in-law, he contrived by means of negotiations to gain all the honour of the affair for France, and to throw all the disgrace of it upon the emperor, and at one and the same time to connect Holland with France, to separate it entirely from Austria, and to remove it somewhat from the influence of England. The French indeed, who even at that time inconceivably hated the queen, exclaimed both then and afterwards, that it was contrary to the honour of the nation to accelerate the peace between the emperor and a nation already well known in a military and knightly point of view by payment of money instead of by force of arms; but Joseph was more disgraced by accepting the money, than France damaged by paying it. If the assertion of the historian of French diplomatic negotiations were more to be relied on than it appears to us to be, Vergennes would deserve much more praise than we have bestowed on him, and Joseph would not have to endure the reproach of a too hasty advance and an irresolute retreat, which disgraced him in the eyes of all Europe\*. Flassan informs us, that Joseph only consented to withdraw, to put a stop to hostilities and to accept of the mediation of the French, because Vergennes had persuaded his king to enter into a personal correspondence with Joseph on the subject, before putting it into the hands of ambassadors, so that the emperor was convinced by the tone of Louis XVI.'s letters that he considered himself personally concerned in the affair, and that the queen could and would have no influence in inducing him to change his opinion. Flassan also defends the minister, and with reasons which appear to us good and convincing, from the reproach of having paid the emperor out of the exchequer the remainder of the small sum which the Dutch, relying unconditionally on France,

\* Flassan, *Histoire de la Diplomatie Française*, vol. vii., first says in the text, p. 400: "M. de Vergennes remit au roi un premier mémoire le 14 Octobre 1784. Il y établissoit l'intérêt de plus d'un genre, que la France avait à la contestation présente; exposant en même temps les dangers auxquels pourrait entraîner une résolution trop précipitée à l'égard de l'empereur, avec lequel il engageoit le roi d'ouvrir une correspondance directe pour le disposer à la paix." And again in the note at p. 401: "Cette correspondance eut lieu en effet; et c'est aux explications qu'elle amena insensiblement, que l'on doit l'accommodement auquel l'empereur se prêta, mais après avoir manifesté l'humeur la plus aigre, piqué de ce que le roi, qu'il croyait dominer par le crédit de la reine, n'avait écouté en définitif que l'avis de son conseil."



because it had gone too far to draw back, had refused to give. The queen was certainly accused in the innumerable libels which proceeded from the supporters of the insulted family of Rohan, from the clever but immoral friends of the duke of Orleans, and from all those who suspected the queen of anti-French tendencies and opinions, of causing whole wagonfuls of French money to be sent to her brother.

After Louis XVI. had definitely given the emperor to understand that he would never allow the right of the strongest to be exercised against the weak Dutch with reference to treaties which had been forced from Austria by the help of France in the first half of the eighteenth century, the affair was left to the cabinets and ministers of the two powers. On the 17th of November 1784, the mediation of France in the quarrel concerning the Scheldt was offered to the emperor in a strongly expressed, or rather in a politely threatening note; but it was not till the 24th of January 1785 that the emperor accepted the mediation, or rather the arbitration, of France. Even after Joseph had given way on the most important points, concerning the free navigation of the Scheldt and the possession of districts or fortified towns, he rendered the business of peace-making a difficult one by the demand of a sum of money: the Dutch on the other hand gave the French a good deal to do by their avarice, and by long bargaining concerning the sum they were to pay, at one time offering more and at another less. The Dutch bargained with the emperor from February till September about the sum they were to pay as damages, in order that it might at least appear as if he had received some satisfaction for an actual insult; and this bargain-making was disgraceful both to the Dutch and to the emperor: France alone behaved in a manner suitable to a great nation, and one well-inclined to both parties.

The emperor at first demanded 15,000,000 guilders, and the Dutch were not ashamed to offer him three: this formed a subject of diplomacy for months in the cabinets of Vienna and Versailles, until at last the emperor was brought down to 9,500,000. Besides this sum, which Joseph demanded for himself, he demanded half a million for his subjects, who had suffered injuries from the Dutch. Even here the meanness and littleness of the Austrian policy was made apparent; for however little the emperor really intended it, count Mercy announced to the Dutch, that if they were not ready to pay this sum on the 22nd of Sep-

tember, he should commence the war (that is, not *for honour*, but for a few millions of guilders). As the merchants saw that the matter was now one in which France took an interest, they only offered the half of this sum; and France found it in the end more advantageous to pay the other half, than to involve itself in the immense costs of a war, and to set the whole of Europe in a commotion.

It was not till the 8th of November however that the treaty of reconciliation was signed at Fontainebleau. The first article of this treaty declared, that the Scheldt was to remain closed, and that Maestricht was to remain in the hands of the Dutch; on the other hand, the forts of Lillo and Liefkershoek were to be given up to the emperor as they were, and the forts of Kruit-schanz and Frederick Henry were to be razed and ceded to him. Besides this, the Dutch were to pay the emperor 10,000,000 guilders, the half of which however was undertaken by France, to hasten the conclusion of the treaty. Dohm has reckoned that the costs which the whole undertaking occasioned the emperor, when he commenced a persecution against the unarmed republic, which made all the powers of Europe, and even his own provinces, look with an eye of suspicion upon every improvement which he meditated, amounted to upwards of 5,000,000 florins; but it appears to us that this sum is rather too high. France obtained advantages by this negotiation which she lost again in the following year, by not vigorously opposing England and Prussia during the troubles in Holland itself.

Inasmuch as England did nothing in the course of these events for the seven united provinces, and France on the other hand both acted and paid for them, the Orange party had no pretence, and indeed was unable any longer to hinder the intentions of the patriotic or aristocratic party, of foming a closer and more intimate connexion with France. The republic entirely separated from England, concluded a defensive treaty with France, and appeared by this means to have totally changed the relations of the naval powers to each other and to France, which had existed since 1672. This was just at the period, as we have already stated, when Pitt had concentrated in his person the government of England, directed the rudder of state entirely alone, and produced wonders as a master of modern policy: we shall therefore quote a passage from Flassan's work, to show in what a masterly manner Pitt made use of the Dutch revolu-

tion, to obtain advantages for England by means of Prussian bayonets\*.

The history of the expedition of the duke of Brunswick against Holland will show in what way Frederick William II. threw away much Prussian money (for the blood shed is hardly worth mentioning) for the benefit of the rich English and Dutch.

## § II.

INTERNAL COMMOTIONS AND POLITICAL CONTESTS IN BELGIUM, HOLLAND AND FRANCE, TILL THE YEAR 1788.

### a. BELGIUM.

Whilst, on the one hand, the emperor was involving himself in a war with Holland and France for the advantage of the Belgians, on the other he quarrelled with the hierarchy and aristocracy of Belgium itself, in such a way as finally to cause a regular revolt in his dominions there. These commotions in the Austrian Netherlands were contemporary with the disturbances in Holland, and the reason of both was the same, namely, that the complicated administration of the whole of the Netherlands had never undergone the slightest change since the sixteenth century, and consequently no longer suited the exigencies of the times. In the protestant Netherlands the attempt was made to introduce reforms on the republican system, in the catholic Netherlands on the monarchical, but in both cases by violence: the result was that both attempts failed.

We must in this place mention the Belgian disturbances,

\* Flissan, vol. vii. p. 409:—"L'alliance entre la France et les Provinces-Unies était un coup de force politique, et l'on n'avait pu y arriver que par une grande suite de combinaisons adroites, à la faveur desquelles on rompait l'intimité de la Hollande et de l'Angleterre, et l'on privait le stathouder d'une prépondérance dont il usait trop fréquemment en faveur de la cour de Londres. Ce brillant succès fut dû principalement au duc de la Vauguyon, qui dans le cours de son ambassade de Hollande s'était occupé à détacher les Provinces-Unies de l'Angleterre, et à les rapprocher de la France, dans la vue essentielle de combiner les marines Française, Espagnole et Hollandaise pour détruire ou du moins balancer la suprémacie maritime de l'Angleterre. Les conséquences de ce traité furent profondément senties à Londres. En effet elles étaient telles, qu'aux approches d'une guerre maritime, la cour de Versailles, en vue de garantir son allié, et par une suite de ses engagements, pouvait envoyer au Cap de Bonne Espérance et à Trinquevale des forces respectables, qui eussent décidé sa supériorité dans cette partie du monde," &c.

which were in themselves inconsiderable, were it only because we see, in Holland as well as in Belgium, a representation of what afterwards took place on a larger scale in France, and because during these troubles, especially in Holland, Frenchmen, and among them Mirabeau, were particularly active. We must besides mention the revolt in Belgium, because it clearly proved to all the world how imprudently Joseph had acted, in wishing to reform all the separate nations among his subjects despotically by a number of edicts, which looked very well on paper, but were entirely incapable of being carried into execution; and this without ever consulting those who were to be reformed. To convince every one who is acquainted with the state of Belgium at present, and has some slight knowledge of the religion of the people and the immense numbers of the clergy, that Joseph's plans could not possibly succeed, except, like the men of the reign of terror in France, he entirely rooted out the possessors and completely changed the whole manner of possession, it will be sufficient to indicate in a few words the character of his projected reforms.

Joseph evidently wished to apply Turgot's system of government, of the administration of the police and finances, to his states in general and to Belgium in particular, in the same way in which Dupont de Nemours afterwards did as editor of Turgot's works, and as connector of his separate hints, but at the same time carefully to preserve the monarchical principle. The manner in which the emperor, with indefatigable activity and incredible labour, endeavoured to effect this, may be best seen from the second part of the latest biography of Joseph II., where all the single points are enumerated. We shall in the note shortly indicate the subjects to which Joseph's activity extended, and leave it to the reader to seek the particulars in the book itself\*.

\* We shall here give the contents of the second part of Gross-Hoffinger's 'History of the Life and Reign of Joseph II.' The whole of the first section of this volume treats of the reforms in matters of religion. In the third chapter we find the steps which the emperor took against Rome; in the fourth, the reform in the priesthood, the change in the condition of the monks, and the institution of establishments for the better education of the priests. In the following chapters we find an account of the new regulation of divine service, an enumeration of the injurious customs which were suppressed, the limitation of the sale of indulgences, the suppression of fraternities, and the establishment of a regular religious instruction. In the sixth chapter are contained the edicts relative to marriages and burials, and in the seventh those relating to toleration. In the second section we find an account of the establishment of grammar-schools



If we go through the several provinces with reference to the practicability of Joseph's plans of reform, we see that the Bohemians had long lost the principal points which constituted their nationality, and that the national parliaments of the other provinces could not long offer resistance to a king who conducted all the business of government by means of his officials, and supported them with police and military: in Hungary and Belgium alone the case was different, and in these countries resistance was possible without rebellion. The finances, legislation and administration of justice in every degree were in both provinces not Austrian, but entirely national, and carried on in the country by natives in their own language. Joseph, immediately after his accession, had not only confirmed all the traditionary and existing privileges, customs, laws and charters of particular towns, counties, duchies and corporations in Belgium, but he had publicly sworn to maintain the exceedingly remarkable charter of the duchies of Brabant and Limburg, concerning the rights of the subject and the duties of the ruler\*. In these provinces, the three ranks, the nobility, clergy and citizens, chose deputies for a general parliament; and this parliament not only formed the legislative power, which decided upon the levying, expending and applotment of taxes and customs, but even chose a regular committee, which, in the interval between the sessions

and normal schools, of other institutions for the improvement of the education of the people, of the gymnasiums, and particularly of the censorship. In the third section we find all the provisions relating to the duties of subjects: this section contains the edicts relative to complaints, the laws against usury, for the suppression of injurious customs, and the provisions relating to the suppression of villanage; also the laws relating to the custom-house. The fourth section refers entirely to the administration of justice: first, the civil legislation is treated of, then the criminal legislation, then the new arrangements as to education in law, the proceedings in the courts and the administration of justice are mentioned; then, particularly, the reform in municipal corporations, as to officers of the crown, as to the so-called 'Landtafel' (special parliaments), as to the regulation of costs, regulations respecting inheritance, guardians, &c. The fifth section treats of the new institutions for benevolent purposes and of the police. The sixth section contains a number of provisions for the improvement of trade and industry, of agriculture and the breeding of cattle; also concerning turnpikes, making of roads, &c. The seventh section treats of 'cameralia,' the mint, mining affairs, woods and forests, and the post; laws respecting the Jews, pensions, stamps, discount and money matters. The eighth section treats of military affairs, &c. From this list we perceive that Joseph wished to effect more than the French assembly was ever able to accomplish.

\* This is the so-called 'Joyeuse Entrée.' See Spittler's and Meiner's Hist. Magazine, vol. i. p. 724.

of the parliament, had a settled share in the government. Every province, every town, and we might almost say every village and hamlet, had its own administration, which was often entirely different from that of the neighbouring town or village. Each provincial government, like the general government at Brussels, consisted entirely of natives, except that the president of the general government in Brussels was an imperial minister. Even the representation of the independent monarchical government and of a court was to be found in Brussels. A governor, generally of princely blood (under Joseph from 1781 his sister Maria Christina, who was married to the duke of Saxe-Teschen), held a splendid court at Brussels, to which foreign ambassadors were accredited, as at the courts of sovereign princes. The hierarchy of the law courts, as well as the general government of the country, was entirely independent of the law of the Austrian states. Every tribunal decided according to local laws and different usages; and it was a recognized principle, that no one could be placed before any other tribunal than that before which their fathers before them had been tried.

According to the existing constitution of the country, the clergy had the greatest influence for many reasons, and it was exactly the condition of the clergy which Joseph wished to reform. This influence was not merely spiritual, did not merely depend upon the superstition of the multitude, or was supported by thousands of monks and priests, but the landed property was principally in the hands of the clergy, and, as was then the case in Germany and still is in England, the eldest sons of the noble families were powerful by means of the property inherited from the father, and the younger sons were rich by means of livings, abbacies and bishoprics, and composed the first college of the estates. Belgium, together with Spain and Naples, was at that time the paradise of the clergy, for there were reckoned in this country, besides an archbishop and seven bishops, a hundred and seven abbots, each of whom had an income of from 60,000 to 300,000 guilders. The university of Louvain, in which all Belgians who wished to fill any religious or civil office must have been educated, was under the sole direction of the archbishop of Malines, and the latter was entirely in the power of the ex-jesuits, so that these were thus the only source of all Belgian views in matters of church or state. In Louvain all those lawyers were educated entirely in the spirit of the middle ages who

decided in the three highest tribunals of Belgium, from any one of which there was no appeal; namely, the tribunal of Guelders, the great council of Brabant, and the council of Malines. These sovereign tribunals, as they were called, not only decided in matters of law independent of the sovereign and without appeal, like the star-chamber, the chancellor of the empire in the Austrian states and the French parliaments, but they also enjoyed the political rights which the French parliaments claimed indeed, but which the government did not yield to them. These privileges were, that the edicts of the government were only to be put in force after being first authorized by these courts, the supports and assistants of every antiquated absurdity.

As even at the present day, after two revolutions, after being united with France during the reign of terror, after Buonaparte's government and the union with Holland, the superstition, the ceremonial, the pilgrimages and processions have been retained in several parts of Belgium as completely as in Spain and Italy, it may easily be conceived in what a state things were in Joseph's time, when for centuries not a single ray of light had penetrated into the Cimmerian darkness which was kept up by the monks and jesuits in the universities. Joseph, at the same time that he was introducing such extensive reforms in Belgium, committed the error of associating with his sister and her husband, who were merely representatives, the prince of Stahremberg as minister, who was totally devoid of the talents necessary for such a post. As usual with great men, he did nothing and knew nothing, but left the management of everything to the intriguing Crumpipen, who afterwards, with the lawyer Van der Noot and the abbot of Tongerlo, became the head of a hierarcho-aristocratical conspiracy. This man was the son of a chamberlain of the same Visconti who afterwards became archbishop of Milan, and had begun his career as secretary to the latter in Naples. As he was the soul of the government in Brussels, it is easy to conceive that, instead of assisting the emperor in his plans of reformation, as in duty bound, they placed all sorts of obstacles in his way, whilst the good Stahremberg did not at all know what was the object of the orders which he himself gave.

The emperor in the meantime proceeded quite as quickly in Belgium as in the other provinces of his empire, without paying the slightest regard to the influence of the clergy, the university

of Louvain, the cardinal and archbishop of Malines (Frankenberg), the papal nuntio who resided in Belgium, or the ex-jesuits; on the contrary, as early as 1781 and 1782, he required that his ordinances in matters of religion should be immediately put in force, without any respect for traditional forms. How little the Belgian theologians and lawyers were inclined to yield to the government was clearly shown in November 1781; for the edict of the emperor on the subject of toleration was not even allowed to be published in Belgium. The university of Louvain showed too, on this occasion, in what a spirit the young men were educated there, by a resolution, in which it was stated that all toleration was contrary to the principles of the holy Roman church, because, according to the articles of this church, all heretics are subject to eternal condemnation: Joseph, notwithstanding, insisted on his prerogative, as he called it, and acted in a dictatorial manner in the name of the unchangeable rights of man, upon which also the men of the reign of terror based their actions. The republicans as well as Joseph considered the people as minors, inasmuch as they were despotically governed by certain prejudices, and acted therefore for them and in their name. The emperor ordered (1783) the suppression of several convents; he declared every direct appeal to the pope as entirely inadmissible; he altered the formula of matriculation at the universities, because the original one, conceived in the spirit of hierarchy, encroached upon the privileges of the sovereign, and deprived the bishops of the right of governing independently in spiritual matters. He demanded an account of the oaths which the bishops were accustomed to require from the students, from the ministers on their ordination, and from pastors, and ordered that circular letters from the bishops to their clergy should be submitted to the inspection of the civil officers before being made public; he also deprived the bishops of their jurisdiction in matters relating to marriage.

It was only on religious points and in all that concerned the education and instruction of the young that the emperor was entirely immoveable, for reasons which did equal honour to his head and heart: all changes relating to these subjects he insisted on carrying out by force, whilst improvements of other kinds were left to be introduced by the government of the country itself and by degrees. This may be seen from his conduct with respect



to the administration of justice. In the year 1785 he issued a proclamation to the Belgians, in which he states, that in consequence of representations made to him by his viceroy in the Netherlands, he had determined to put off the appointment of the new courts of justice in Flanders, Dornick, Namur and Guelders, until the minds of the people should be more at ease on this important subject. He ordered at the same time, that all magistrates of towns, as well as those of the several districts, and in fact all officers of justice and of police who had been displaced by his previous orders, should be reinstated in their several offices. By this proclamation the open outbreak of disturbances on account of the new mode of the administration of justice was prevented; in matters of religion however the emperor steadily continued his course, and in the year 1786 took very decided measures against the spirit of monachism, hierarchy and superstition.

The emperor was well-acquainted with the tumult which the monks and priests were raising against him in the confessionals and in the pulpits; he was well-acquainted with the calumnies which were spread abroad concerning him by the pious hypocrites, who were admitted into the interior of every family, and with the effect of their jesuitical arts; he was convinced therefore, that, without a thorough reform of the university of Louvain, it was useless to hope for a better instruction for the people, whether in schools or from the pulpit, and required in consequence that a general seminary should be established in Louvain, such as had been already founded by him in other parts of his dominions. These general seminaries were under the immediate control of the government: the intention of this order therefore was, that the clergy of the Netherlands should no longer remain under the superintendence of the archbishop, his ex-jesuits, and the legate, but should be educated by teachers appointed by the government, and under their direction. How this general seminary was to be conducted will be best understood from the concluding part of the emperor's edict, which we give in the note \*. In the introductory part of the edict the

\* " The theological scholars of the secular clergy of our Belgian provinces, as well as those who intend entering into an order of monks, will present themselves either at the general seminary, which we have established at Louvain, or at the branch-seminary at Luxemburg, in the first winter month of 1786. Concerning the theologians for an order of monks, they must all, with the exception of natives of Luxemburg, be sent to Louvain to complete their

necessity of such measures as the present is most excellently deduced from the very nature of religion, and from the necessity of preventing the entire ruin which was then threatened by a better method of instruction. This exposition of the reasons and of the qualities which the new method should possess, and which were rendered imperative by the time, in place of the entirely antiquated method of the university of Louvain, as well as the edict itself, is rather to be considered as a piece of instruction than as an ordinance; but for this very reason it found the more violent opposition: for he who endeavours to contend against an obstinate prejudice with reasons, might as well undertake to roll the stone of Sisyphus!

It must be confessed however that the newly-established general seminary at Louvain, formed on the model of the other new seminaries, left much room for improvement; but this was not the reason why it gave such a shock to the Belgian clergy, who clung to mechanical and superstitious ceremonies, and were only accustomed to learn the necessary prayers, &c. by a simple act of memory. The task imposed on them, of devoting five years to theological studies before seeking for a living or an office, appeared to the clergy and to their superiors an astounding piece of injustice, and they proclaimed everywhere that the emperor's intention was to destroy all religion. The new teachers were considered equally with the emperor enemies of religion, because the former deviated from the blind papistical canon law, and from jesuitical religion and morality, whilst the latter had forbidden numerous pilgrimages and processions, and had limited them to two in every year. This was, according to the principles of the jesuits, a sufficient reason for obeying the legate (who was in their eyes little less than God) in preference to the civil authority.

The students, who were collected in the building of the general seminary as in a kind of clerical barraek, were secretly stirred up: they complained of heterodox doctrines, a matter therefore which, as Homer says, concerned their shades, that is, their souls, but at the same time, as the same poet expresses it, affected their

course of study in attendance on the public lectures of that university. Natives of Luxemburg go to Luxemburg, to attend the lectures of the professors there. The superiors of the orders are consequently permitted to lodge the monks of their order, who are sent to Louvain or to Luxemburg, in a cloister or convent belonging to the order, or in any other house, during the time of residence necessary for the completion of their studies."

persons ; namely of bad bread and beer, and made a regular rebellion on the 6th of December 1786. Among the students were the sons of the first families of the country, of the members of the states, the sovereign tribunals and the governments of provinces, and they were secretly supported by the government of the country, which was unfavourable to the changes introduced into their studies, by the legate and the archbishop : the emperor knew this, and was therefore more vexed at this rebellion than he would have been at a riot simply among students or journeymen. The students pelted professor Stögler with stones on this occasion ; they offered an armed opposition to the imperial commissary Le Clerc, and terrified him so much that troops were sent for, who actually fired on the foolish young people, whom they might easily have shut up. By this means the whole country, but particularly the parents and relations of the young men, who were considered as having suffered in defence of their faith, were rendered furious, and the more so as the government, having begun by calling in a military force, afterwards in the weakest manner entered into negotiations.

Twenty-five students had been arrested as rioters, the whole of the general seminary had been placed under a kind of military discipline ; immediately after this, however, formal negotiations were commenced with the ringleaders of the whole tumult. The emperor believed himself therefore betrayed by his own government in Brussels, and actually was so, when we consider the way in which Stahremberg and Crumpipen acted. The government in Brussels allowed the students to present a representation in which the most impertinent demands were made, and actually granted some of these demands. They put a stop to the strict proceedings which were going on, and endeavoured, after having begun with bayonets and musket-balls, to use reason and exhortation, so as to act upon people who had neither understanding nor good will, and who therefore, in mildness and gentleness, could only see proofs of weakness and fear. It is easy to see from the demands which the students made to the government in this representation, that they intended by their removal and dispersion to compel the new spiritual arrangements to be given up, and in fact, at the end of 1786, the seminary was almost deserted.

The news of these disturbances, and of the weak conduct of the Belgian government, brought back the emperor to his prin-

ciple, that he could rely upon no one but himself alone. He took his measures therefore on this occasion also according to his own personal views, and sought to counteract the evil, but without being acquainted with the real origin of it, as his information was derived from the same Crumpipen who had already deceived Stahremberg. The emperor caused the archbishop of Malines to come to him in Vienna, and gave himself the trouble, however absurd, of instructing a man who did not choose to be instructed; the legate however was sent away. This legate, Zondadari, had been till this time the principal source and chief of all the opposition to any improvement in the mode and subjects of education; he had even ventured, in spite of the emperor's prohibition, to publish in Belgium the bull in which Pius VI. had condemned Eybel's pamphlet, "What is the Pope?"—which the emperor had approved of. The emperor was however betrayed on all sides, and Crumpipen, the sneaking confederate of the darkness-loving priests, was everywhere, and betrayed him in every possible way.

The emperor, who was accustomed to employ himself in his cabinet with his secretaries from six in the morning till late at night, had at length recalled Stahremberg from Brussels, who was too lazy and too great a man to attend to business; but Stahremberg's counsellor and factotum, Crumpipen, managed to retain his situation. Count Belgioso, a man of talent, was made minister, and baron Reuss president; but Crumpipen remained in employment, and at a later period, after the recall of the count and the baron, became the principal person in the whole administration. After the recall of these gentlemen an imperial council was established for the furtherance of the intentions of the emperor, and Crumpipen was made president of the council. He immediately bestowed all the best offices upon his clients among the priests and upon his own relations, and in this way managed to serve, at one and the same time, the emperor and the opponents of his measures. The emperor on this occasion exceeded the bounds of political prudence as much by his severity, as the Belgian government had formerly done by their lenity and concession. He was well-persuaded that the aristocratic and hierarchical provisions of the middle ages could never be made to agree with his benevolent intention of advancing with the times; he believed himself justified in considering himself as



the representative of the people, and determined to overthrow all these provisions at one blow.

In January 1787 an order was issued, that Belgium should be divided into circles, like the other provinces of the empire. This division included an entirely new organization of the civil officers, the law courts and the administration, and neither regarded constitution, nationality, nor tradition. That almost all the changes, a list of which we give in the note\*, were founded on the necessities of the times, is clear from the state of education, in which the Belgian people, blindly and unconditionally clinging to all that was old, were, and which was far behind the time; but the people did not see this, and an improvement of this kind cannot be effected by force. The people, entirely blind and ignorant, had long since been excited to the highest degree by the monks and priests: now, not only did the nobility protest against the intended innovations, but the advocates, lawyers and officers of justice, who were disturbed in their routine, or who would be deprived of the advantages which they derived from existing abuses, railed at the emperor as a tyrant, and persisted in considering justice and freedom to consist merely in what was advantageous to themselves and their families. The number of Austrian troops in the Netherlands was at this time inconsiderable, no one of the representatives of the emperor was a man such as the circumstances required, and Belgioso, who might perhaps have been so, was shamefully deceived by Crumpipen. All who enjoyed any privileges united themselves into an opposition, and made use of the people, as it

\* The three councils which had existed since the time of Charles V., namely the council of state, the council of finance and the privy council, were to be suppressed, and in their stead, a council of government was to be established under the direction of a president from Vienna. The division into circles was to be substituted for the old division into provinces, and of these circles there were to be eight, namely Brussels, Antwerp, Ghent, Dornick, Mons, Namur, Luxemburg and Limburg. A superintendent was to be set over each circle. Every circle was divided into districts, each under the government of a commissary. The colleges of deputies of the states were to be suppressed; Brabant, Flanders, Hainault, Luxemburg with Limburg and Namur with Dornick were to choose together five councillors, who were to have seats in the council of government and votes upon financial questions. In regard to courts of law, the council of Brabant was suppressed, a sovereign council was established, and subject to this, two courts of appeal at Brussels and at Luxemburg. All the larger towns retained their tribunals, from which however there was an appeal to these two courts. The use of torture was declared illegal.

has been made use of in our times, but with this difference ;—that there was then no democratical faction in Belgium to be made use of and deceived.

It was very favourable to the powerful reaction in Belgium, that Joseph, at the very moment when his presence in his own states was most needful, undertook a journey to Cherson to visit the empress of Russia, and at this meeting was induced to join her in her plans against the Turks. In February and March everything had been secretly prepared for a formal revolt in the Netherlands, and in April the parliament of Brabant gave the signal for rising. On the 27th of April 1787, they declared that they would not allow the raising of the moneys necessary for the support of the government, until all that they required, and which was contained in a written representation, should have been granted them. For this purpose they had set down all the points which in their opinion were contrary to the charter of the Belgians (the *joyeuse entrée*), which the emperor had sworn to respect. During this time Crumpipen was Belgioso's adviser, his brother was chancellor; he was therefore pelted with stones by the mob, whilst the advocate Van der Noot, who was afterwards his principal assistant and ally, was at the head of the malcontents. This man took advantage of the trial of two men, who had shamefully cheated the state, to raise a loud outcry about violating the rights of a Belgian and of a citizen of the empire. The course which the emperor had ordered was at the least imprudent.

Colonel Legisfeld had been guilty of gross frauds in his delivery of provisions, &c. to the troops, and a rich soap-boiler, named De Hont, had taken advantage of the colonel's corruptibility to enrich himself at the expense of the public treasury. Such conduct was, as is well known, so little remarkable in the Austrian service, that we have seen the most important undertakings of the revolutionary war fail in consequence of swindling transactions agreed upon between the commanding officer and certain rich contractors. The Belgians therefore treated the affair very lightly, and although the emperor ordered a strict investigation to be instituted, it seemed as if it would be impossible to obtain a strict investigation and punishment of the crime from Belgian tribunals and authorities: De Hont therefore was ordered to be removed from his natural judges and to be brought to Vienna.

The removal of De Hont was brought into connexion with the state police, or with what we now call the higher police, with which it had nothing to do, as the crime was nothing more or less than a felony; and this was made the pretext for the long-meditated revolt. The towns armed their citizens, and the guilds of Brussels, Antwerp and Louvain presented petitions, conceived in very violent language, to the estates. The estates, desirous to proceed as carefully as possible, referred in their complaints wholly to these petitions. The government, which had really very different views from those of Joseph, took advantage of these disturbances and complaints to put off at least for the present the division into circles and the change in the forms of administration and of justice immediately connected with this arrangement; the entire suppression of this arrangement could however only proceed from the emperor himself. The leaders of the disturbances were however not content with this: they endeavoured to profit still further by the weakness and fear which the government had displayed at the very worst time. They now required unconditionally, that all those abuses which the emperor had ordered to be abolished should be retained. The council of Brabant in consequence was bold enough, without any regard to the emperor or to the government, to declare everything null and void which the new tribunals, according to their law, should decree, whether in lawsuits or in other matters. Flanders also protested against any improvement in the existing state of things, merely because it was an innovation and interfered with their customs. In all the towns, but particularly in Brussels and Namur, the mob, urged on by the clergy and the rich, on whose alms and wages they depended, committed gross excesses against liberal-minded persons, and even against those who allowed the goodness of the emperor's intentions, even when they disapproved of the means he employed. Cities and parliaments threatened the weak government, and insisted that all the new regulations should be immediately repealed, and all persons whom the people disliked forthwith removed from the council of government. We see from this how unjust the defenders of aristocrats and hierarchies, who did all this merely to retain the old forms and abuses, are against the supporters of the French legislative national assembly, against which they use very hard language, because they made use of similar means to introduce innovations as advan-

tageous to them as the old abuses were to the nobility and hierarchs, or at least as advantageous in their opinion.

All this happened whilst the emperor was at so great a distance that a considerable time elapsed before the messengers reached him, and before his answers arrived in Vienna, not to say in Brussels; and prince Kaunitz, who was at the head of affairs in Vienna, did not choose to anticipate his commands. The government at Brussels was more favourable to the old system than to the emperor's new one; and they also took advantage of the emperor's great distance to act as they pleased. They met the violence and disobedience of the Belgians with mildness and gentleness, granted as far as possible everything that was demanded, and prince Kaunitz, until the will of the emperor should be known, recognized the orders of the Belgian government as authoritative. The answer of the emperor's sister as his representative to the representations and complaints of the parliament was given on the 25th of May 1787, and was as follows:—"That she had sent the representations of the states to the emperor himself; that till his return from his long journey, nothing should be done contrary to the *joyeuse entrée*; and that the archduchess expected, from the reasonableness of her brother, his full consent to her granting the petitions of the states." Even this did not content the revolvers: they would not suffer any delay: all innovations must be immediately abolished; and the government of the greatest monarch in Europe was weak enough to let itself be bullied out of granting what it had no right to grant, by people who had no right to demand it, but that of being at the head of a popular revolt.

It could not possibly be expected that the emperor on his return from Cherson should allow what his government had merely granted from weakness, and without even consulting him, to be considered as settled; inasmuch as in this case he would be deprived of any chance of hereafter altering the condition of Belgium, with which he was dissatisfied. He answered the states however in a friendly manner; ordered the council of government and deputies from the several provinces to repair to Vienna by a certain day, because he had not the intention of insisting peremptorily upon his own ideas, but still less, as his government had done, of allowing everything to remain as it had been. His intention was to treat in Vienna with the members of the government and the deputies about what he



was determined to introduce; he wished to prevail by reason, and in his answer to the complaints which had been laid before him, gives a full and complete explanation of his motives. We give the whole answer of the emperor in the note, because the particular points, which we must pass over in a general representation of the whole, may be seen and understood from its perusal\*.

These measures of the emperor appeared however no less suspicious to the Belgians than before, and they continued to resist. The states seemed at first determined not to send any deputy; nay, they even appeared inclined to prevent by violence the journey of the archduchess to Vienna: the students

\* Joseph writes to the states as follows:—"My chancellor of state has laid your representations before me, and I will once more take the trouble of informing you by this letter, that it has never been my intention to overthrow the national constitution of my Belgian provinces, and that all the provisions which I have transmitted to my general government have for their object wholly and solely, and without the smallest shadow of personal interest, the advantage of my faithful subjects in the Netherlands, without its being my intention at the same time to deprive the separate corporations of the nation of their ancient rights and privileges. All my steps must have convinced you of the truth of this proposition, if you are still capable of treating them with common justice. I was induced by a number of petitions, praying for the establishment of a quicker and less expensive administration of justice, to turn my attention to some improvements in the administration of the law. The establishment of governors of circles had no other purpose than that of causing the laws to be put in force, and of obliging those persons whose station makes this a duty to fulfil that duty. As regards several old privileges, I have only attempted to remove abuses which have crept in in the course of time, and in most instances with the consent of those who profit by these abuses. Far indeed from —. However, as a father and a man who can forgive much, I am content to consider what has already happened, and what you have been bold enough to do, as having arisen from misunderstanding and from misrepresentations of my intentions, proceeding from persons who have more regard for their own advantage than for the common good, and who have nothing to lose. However this may be, I am content that all my orders, concerning which the present dispute has arisen, shall be for the present suspended; and as soon as their royal highnesses, my representatives and governors-general, shall have arrived at Vienna, according to my commands, with the deputies from the several provinces, and when the latter shall have explained to me personally their grievances, and shall have heard in return my views, which they shall always find to be according to the principles of what is reasonable, and having for their object solely the benefit of my subjects, we will then endeavour to come to an agreement respecting the measures to be adopted for the general benefit of the country, according to the principles of its constitution. If however, contrary to all expectation, this last step of my goodness towards you should be so much misunderstood, that you should refuse to bring your complaints, cares and doubts before me, and to listen to me in return with confidence, and if on the other hand you should continue your disgraceful tumults and your highly criminal proceedings, you will have to attribute to yourselves alone the unhappy consequences which must result from such a course of conduct."

and the people were furnished with arms and organized into a sort of militia; free companies were levied, as there was no want of money among the priests and the higher nobility, who took an active part in the affair; and the states of Brabant had even proposed to apply to France for aid, as she had previously been one of the securities for the preservation of their constitution. This was rather too much for Joseph to allow, unless he intended his monarchical rights to fall into the hands of a few nobles and priests.

The emperor did not indeed cause the negotiations to be broken off, but continued with mildness and gentleness to oppose instruction to prejudice; at the same time he despatched fourteen regiments and some battalions of infantry and four regiments of cavalry with some artillery into the Netherlands. The Belgians had at last determined on sending deputies from the several parliaments to Vienna; but they had at the same time expressly declared "that these deputies had no commission or powers, further than to obtain from the emperor in Vienna his consent to all that his sister had promised in his name." At the same time the revolt continued; the deputies had not arrived on the 14th of July, which the emperor had appointed as the latest date, and the archduchess was violently hindered from commencing her journey, so that she could not set out until the 20th. As soon as the archduchess and her husband were gone, Belgioso followed them, and at last the deputies also set off.

Precisely at this period the emperor showed a weak point, and by the course which he pursued gave rise to the Belgian revolution which happened later, during the period of the legislative assembly in France, and which we therefore do not refer to in this place. Perhaps in this decisive moment the emperor was afraid of the disturbances in Holland; perhaps the war with the Turks, which he was on the point of beginning, hindered him from acting as every one expected he would act; he suddenly drew back. It was expected that the emperor would have occupied the country with his troops, would suppress the revolt by force, punish the ringleaders, and afterwards recall his orders in a peaceable way, without insisting on opening the eyes of the blind by violence. The troops however halted; only one regiment was despatched; the people in Belgium remained under arms; the negotiations in Vienna served only to increase the dis-

like of the emperor to the superstition and suspicion of the Belgians. The half-measures which were agreed upon for the sake of peace were such as would necessarily be violated on the first opportunity.

The negotiations with these deputies or plenipotentiaries of Belgian prejudices gave the emperor much trouble, inasmuch as, although he continued to show himself mild and friendly towards them, he always experienced the same senseless opposition, and notwithstanding, instead of introducing reforms as he had wished, found himself compelled to acknowledge the old abuses as law. Joseph was well aware that the people whom he wished to assist was nothing but a tool in the hands of the few classes to whose usurpations he wished to place a limit: he found it advisable nevertheless, in order to quiet the people, to yield to these classes whose privileges were derived from abusing the rights of the people. The persons and oligarchs, whose lives had been spent in cabals and intrigues, knew this very well; the reconciliation at Vienna was merely a truce: the Belgians remained united against the emperor, and the latter only waited for a favourable turn of affairs which might enable him to put his intentions into practice.

In accordance with the agreement in Vienna, the state of the country in April 1787 was to be considered normal; that is, everything was to remain as it had been in the beginning of this month, and the monasteries, which had been suppressed up to that time, were not to be restored. The archduchess Christina and her husband returned to Brussels, but count Belgioso remained in Vienna; count Trautmannsdorf was appointed minister, and was to conduct business in their name. The Belgians had now seen that the emperor was unwilling to proceed to extremities; all his orders therefore met with opposition; and besides this, tumults were every moment breaking out in the towns, because the military commander Murray, who, in the absence of the archduchess and her husband, governed as the emperor's representative, followed different courses at different times, and thus gave proof of indecision and weakness.

Murray forbade the insurgents to wear uniforms or cockades, and when a revolt had taken place in Brussels and Malines in consequence of this order, he caused it to be put down by military force, so that blood was shed on the 20th of October in both these towns; and yet he proclaimed publicly on the following

day (we quote the most important parts of the proclamation in the note\*) that the old usages should continue, without any one understanding how these old usages were to be made to agree with all the new arrangements which had been introduced previous to April 1787. When the archduchess returned, D'Alton was made military commander, Trautmannsdorf managed the civil department, and Joseph appeared to have given up the idea of any reformation in matters of religion. In September 1787, he either entirely gave up the idea of a general seminary, or so modified and limited it to suit the ideas of the Belgians, that no one expected him to return to it. This however happened afterwards, and was the cause of the establishment of the short-lived Belgian republic. The new disturbances however did not begin till 1789, and consequently belong to the next volume.

*b.* DISTURBANCES IN HOLLAND, AND FREDERICK WILLIAM II.  
OF PRUSSIA.

The commencement and the nature of the contest which existed in the Seven United Provinces have often been noticed in the preceding portions of this history ; it will be unnecessary to return to this point therefore, and we shall only, in a short and summary manner, notice those points which have immediate reference to the contest between the parliaments, or as they were called, the states, and the government of the hereditary stadtholder. The history of the contest, in which William V., more English than Dutch, indolent but at the same time obstinate, and too stiff and awkward even for an external representative, played a very

\* Murray declares repeatedly in his proclamation in the name of the emperor, that the constitutions of the provinces, the fundamental laws, privileges and rights, in short the *joyeuse entrée*, in accordance with the promises of his majesty at his inauguration, both in respect to the clergy as also to the civil officers, should be and should remain inviolate : that the new tribunals of justice, the governors and commissioners, should remain suspended : that the administration of justice, the parliaments and their deputies, should remain for the future as they had previously been : that consequently the offices of the superior officers and of the civil government should continue, and should comprehend in themselves the retention of the parliaments in their inviolable conditions, as well as the retention of those abbeys whose abbots were members of the said parliaments, and that the abbeys should be provided with abbots in accordance with the provisions of the constitution and of the *joyeuse entrée* : that an understanding would be come to with the parliament, in accordance with their demands, on subjects which were contrary to the *joyeuse entrée*.



secondary part, is to be divided into two periods. During the former, from 1766 to 1784, Schlözer's Louis Ernest of Brunswick, who had forced himself upon the prince and the state in 1766 by means of the act of consultation, was the cause and the object of discontent and complaints. From 1784, the prince's wife, a sister of the future king Frederick William II., whom she very much resembled in features and manners, became the stone of stumbling and the rock of offence.

A detailed account of the accusations against the duke, and of the manner in which he caused the prince to be educated, would compel us to penetrate deeper into the very confused and complex constitution of the United Provinces than would suit a work like the present ; we therefore merely remark, that the opponents of the duke and princess had accused both, even during the American war, of having, together with the whole party of the house of Orange, in every way favoured the English, and of having to a certain extent secretly conspired with them against the party of the republicans or patriots. The latter party, also called since the time of William II. the Löwenstein party, possessed most power in the province of Holland, which had a decided superiority in the states-general. Amsterdam, which was to the Netherlands pretty much what London is to England, formed in itself an independent republic, and in the states-general out-voted all the provinces put together. Nearly all the towns in Holland, with the exception perhaps of Rotterdam, voted with Amsterdam, and the towns were able to out-vote the knights, among whom, as well as in the other provinces, the prince had a very considerable party.

The duke of Brunswick and the stadtholder's government had to endure several mortifications during the war ; among other things, a formal inquiry was instituted as to the fitness and proper state of the Dutch ships of war, and another after the battle of the Doggerbank, as to the sailing orders which admirals Bylandt and Kinsbergen had received from the admiral-in-chief. This gave rise to a considerable quarrel, and caused new inquiries on the part of the states, when the junction of the Dutch fleet with that of the French and Spaniards in Brest was retarded by the fault of the captain and admiral, and not urged on with the eagerness which the French party in Holland would have wished. When Joseph II. began to oppress and harass the republic, the conduct of the Austrian

field-marshal who was to manage the affairs of the Dutch was so suspicious, that even Dumoulin, who served under him, and who had been entirely devoted to him, joined the party of his opponents. Dumoulin announced officially to the states, that the government of the prince, on which alone the land- and sea-forces depended, had so neglected the fortresses that they were entirely untenable. The Dutch press, never over-scrupulous as to the choice of expressions remarkable for politeness or delicacy, poured out a torrent of invective and abuse against the duke on this occasion.

The duke it is true complained of this and attempted to justify himself, and even demanded the strictest investigation into his conduct; and much of what he then adduced, and what Schlözer afterwards printed in his thick book in Germany on the subject of this quasi-Phocion, may have been true: but no one believed him; on the contrary, when the history of the consultation-act came to light, he was formally accused of treason. The investigation in a court of law concerning the irrevocable contract which had been made between the prince and the duke, without consulting the states of the provinces, without the knowledge of any one except the pensionary of the council and by the influence of the English minister, must have been highly disagreeable to the duke; he therefore rather avoided the threatened trial on the subject of the consultation-act of 1766. The duke would not await the termination of the case: when the province of Holland required from the prince and from the states-general his dismissal, he first retired to his government of Herzogenbusch; afterwards, when the provinces of Zealand, Friesland and Utrecht united with Holland, he handed in his resignation (October 1784), and retired to Aix la Chapelle.

These contests in point of fact did not concern the people at all; it was a contest like that of the whigs and tories in England: the republican party in Holland did not endeavour, like the whigs in England, to give itself the appearance of wishing to advance with the time; it wished, on the contrary, not only to retain all that was old, but even to restore it: the party of the house of Orange was not entirely and unconditionally opposed to suitable reformatations. How exceedingly advantageous decidedness and union among the governments would have been in these times of the ruin of the formerly flourishing trade and naval power of the republic, and how far the quarrels between

the republican part of the executive and the monarchical part of the same, which formed a regular contest since 1785, originated in the constitution itself, which no longer suited the times, will be easily seen from a few remarks on this constitution. Each province was a sovereign power in itself, the chief and government of which was the assembly of the so-called states, consisting of deputies from the nobility and from the towns, in certain proportions which were different in every province. As the province of Holland paid fifty-eight guilders taxes out of every hundred which the seven provinces together paid, so that all the rest together only paid forty-two guilders, and as seven towns in the northern provinces and three in the southern provinces sent three or four deputies to the states-general, whilst the body of knights only sent *one*, the Dutch towns had an immense majority in the states-general, as the city of Amsterdam had in the states of the province of Holland.

The magistrates of the towns were in this manner to a certain extent sovereigns of their provinces, and in the fortresses of these provinces the commanders were subject to the burgomasters, who were at the same time governors of the towns: there was an exception to this in the case of some towns in the public lands, in which the stadtholder named the governors; the whole government of the province depended therefore on the choice of the members of the magistracy. In the majority of the cities this choice was a mere form, as in the old imperial cities of Germany, because they filled up their own number; but the stadtholder of the province, if it had a particular stadtholder, or if not, the hereditary stadtholder, had certain rights relating to this choice which were different in different towns. In some towns he was allowed to name the magistrates, in others to propose three or four or more, at the election of the separate members of the magistracy. The states of Holland, when they quarrelled with the prince, endeavoured to limit his rights in the matter of elections, inasmuch as they united in themselves the government and the legislation of the province. The states of Holland finally deprived the prince entirely of any influence in the elections, and some other provinces followed its example. In many others, the states differed in opinion as to whether the prince was to be deprived of his rights or not. In several provinces this difference of opinion was so violent, that the two parties considered each other as enemies; and at times they

entirely separated and retired to different places, from whence the republicans applied to the province of Holland, and the supporters of the house of Orange to the prince, for armed assistance.

The province of Holland, from which the republic of the Seven United Provinces took its name, was for several reasons the centre of this contest; the other provinces were of little consequence on either side. Friesland and Groningen lay at the extremity of the country, and opinions changed there according to circumstances. In Zealand, the prince, as margrave of Vlissingen and the Veere, possessed several towns and villages, and William IV. had a second time obtained the high dignity of the first nobleman in the province, by becoming stadtholder, after having been previously deprived of it. The minority of William V. caused this dignity, which Jan Bossel van der Hoge had administered for his father, to be unoccupied for a time; he obtained it however afterwards, but with the limitation that it should no longer be necessarily connected with certain land, quality, or family. In Utrecht a great part of the knights were on the side of the prince, but the majority of the deputies of the general assembly of the states was republican, or as it was called, patriotic. In Overijssel the case was the same. In Guelders, where the prince had large possessions, the nobility were entirely devoted to him, and only the towns of Elburg and Hatten obstinately resisted the decrees of the majority of the states.

Each province and even each town was at liberty to keep troops of its own, if it paid the necessary money: the states of Holland resolved to do so therefore, because the soldiers who formed the contingent of that province in the army of the republic were entirely under the command of the captain-general as long as no actual breach had taken place. Even their *high-mightinesses*, as they were called, or the states-general, had nothing to do with the military command; if therefore the states of Holland wished to maintain troops, they must first form and train them themselves. This was indeed difficult, because officers and soldiers do not willingly submit to be commanded by lawyers and petty merchants. Notwithstanding this, a militia was organized among the towns which were discontented with the prince's government; this militia was the *ne plus ultra* of bad discipline, &c., but it was something. This was in 1783, when the states, cities and magistracy began to see that the



quarrel between them and the prince must come to something active. The militia thus organized consisted partly of the citizen-clients of the rich, converted comically enough into soldiers and officers, of labourers, shopkeepers and their servants, partly of free companies and volunteers, levied and paid, but as badly trained as the citizen-guard. This levy and recruiting in 1783 were not properly directed against the stadtholder, but they took advantage of the pretext of the threats of the emperor and his hostile measures on the Scheldt. It was therefore easy to withdraw this armed provincial militia from the control of the superior military officers, as it represented a sort of citizen-guard or train-bands.

As the contentions with the emperor continued during the year 1784, and also for some time into the following year, the cities were enabled to retain and increase their troops, until the breaking out of a regular quarrel with the stadtholder in 1785. The patriots in Holland and in Utrecht were afraid that in case the Orange minority of the deputies in the states-general appealed to the stadtholder, the latter might feel inclined to put an end to their eternal quarrels by the assistance of a military force; they determined therefore, as they had money enough, to get together a sort of army of reserve. The adventurous rheingraf of Salm Grumbach offered his services on this occasion: he was at the time a colonel in the Dutch service, and considered this a capital opportunity for enriching himself out of the pockets of the rich patriots of Holland and Utrecht. He managed the recruiting and levies for the patriots, and had nominally got together a corps; but he and his corps, and more particularly the exchequer, vanished on the approach of the Prussians and were never more seen or heard of. The patriots in Holland were however better served by a Frenchman than those of Utrecht by the rheingraf.

The king of France had sent general count de Maillebois to the Dutch to arrange their military affairs, when they were threatened with a war by the emperor. The general was afterwards made use of by the states of Holland to manage the levies and preparations, which were intended to give effect to their complaints against the stadtholder. The rheingraf of Salm, count Maillebois, and a member of the states-general, Gyzelaar, pensionary of Dort, were considered as the soul of all the cabals against the prince and duke Louis Ernest of Brunswick. These were the three who were accused of having hired eight military

adventurers and despatched them to Aix la Chapelle, where Louis Ernest was residing, to obtain possession of his papers by force. The investigations on this subject are to be found in Schlözer's History and in the 'State-notices'; and from this investigation Gyzelaer's share in the affair seems very problematical; it is however an undisputed fact, that these three men endeavoured to organize a military force, when the states of Holland in 1786 deprived the prince of the command of their troops, and when the staff-officers of the regular army remained true to him.

The first open hostilities took place in Utrecht; that is, in this town and the other towns of the province, when the majority of the citizens wished to take advantage of the disputes between the patriotic (or aristocratic) magistracy and the stadtholder, to obtain for themselves some share in the government. The citizens wished to compel their oligarchical magistrates, who were in the habit of filling up all vacancies out of their own families and relations, to allow them a share in the election of the burgomaster and councillors. This was not the way however in which the struggle for freedom, as it was called, was intended by the oligarchical magistrates to be understood; as soon as they perceived this democratical movement, they entered into connexion with the knights, and required military aid from the prince to quell it.

Among the smaller towns of the province of Utrecht, Amersfort and Rheenen had particularly distinguished themselves by their opposition to their magistrates; the latter had applied to the states of the province, and through them to the prince, and he, as captain-general, could not refuse them their own troops. These two towns were occupied by soldiers, and on this occasion the violently patriotic magistrates entered into connexion with the knighthood and the prince against the citizens. The citizens in their turn appealed against their magistrates and the soldiery of the prince to the states of Holland, to whom this opportunity of giving their friends in Utrecht the advantage was just offered at the right time.

The states of Holland, enraged that the lower classes continued disinclined to the aristocracy and attached to the prince, whilst the middle classes became more and more patriotic every day, had declared the wearing of the Orange colours to be a signal of revolt, and had forbidden it as such; they had even

arrested citizens or countrymen who continued to wear the Orange cockade or scarf, and cruelly punished them according to the then existing barbarous system of law : on the other hand, the citizens of the Hague on every opportunity ill-treated any adherents of the states who came in their way. In the Hague not only the populace but also the citizens were Orange, the same was the case in Rotterdam, and whenever volunteers or mercenaries of the states made their appearance there, they were ill-treated. This was the case on the 4th of September 1785, when twelve volunteers of the patriotic city of Leyden showed themselves on the parade. They were attacked, and at last fled for refuge into a house, and applied for protection to the Orange garrison. Upon this a guard was sent to disperse the populace. This guard however declined acting against the people, but arrested the volunteers and conducted them out of the town.

The deputies of Haarlem took advantage of this occurrence to propose in the states of the province of Holland, that the military police and the care of disposing patrols in the Hague should be taken from the prince and his officers and lodged with the states themselves. This motion was carried, and the direction and regulation of the patrols was delegated by them to the same deputy of Haarlem who had made the motion. The immediate consequence of this step was, that the prince on the 14th of September left his capital, the police of which had been placed entirely under the direction of his opponents. From this time forward he resided either in his own marquisate at Breda, or in Zealand, Friesland, or Nimeguen, or in his castle of Loo in Guelders. By this step he to a certain extent proclaimed open war against the states, and they, eleven days after the prince's departure, returned the compliment in kind. They had before only deprived the prince of the superintendence of the military police in the Hague ; on the 25th of September they deprived him of the command of the troops assembled at the place of meeting of the states of Holland and of the states-general, and conferred the office on general Sandoz.

The foolishly violent party of the aristocrats took it into their heads about this time to share with the prince a merely formal advantage, which he had till now enjoyed without any one laying any weight upon it, or even remarking it ; and by this means they made it evident to the mass of the people, who were blindly attached to the prince, that the aristocratic party were the real

rulers of the country, and not the prince and his adherents. Whilst the prince was in the Hague he lived in the Binnenhof, where also the states were accustomed to hold their meetings, but always rode through a particular gate set apart for him, and called the stadtholder's gate. The two most violent aristocrats amongst the states, but particularly Gyzelaer, the friend of the rheingraf, the same who, in connexion with the rheingraf and the count de Maillebois, was accused of having despatched the officers to Aix la Chapelle, determined upon claiming this unimportant privilege for the deputies of the states, as the actual sovereigns in the land.

Even the report that such a thing was intended by the states, and particularly by Gyzelaer, whom the Orange party detested, was sufficient to cause considerable excitement in the Hague, inasmuch as the oligarchs took every opportunity of depriving the prince of one privilege after another. They caused the prince's arms to be taken out of the colours, and the arms of the states to be substituted; they claimed for the president of the states of Holland the same military honours which had been previously paid only to the president of the states-general; they bought a new palace; they caused provisions prepared in the prince's kitchen to be distributed in the town, in the same manner as he used to do himself when he was at the Hague. The attempt to drive through the stadtholder's gate to the assembly of the states caused a regular tumult on the 17th of March 1786, and each party accused the other of having excited and encouraged the populace on that occasion. It was said that a young and violent friend of the prince, the count of Bentink Rhoone, was seen among the populace urging them on, as Mirabeau was alleged to have done in November 1789, and Fox in 1780. When the author questioned the count on the subject in Varel in 1796, when he might immediately have confessed such a loyal demagoguery, because this sort of demagoguery was at that time considered creditable, the count distinctly stated that such was not the case. It is certain however that the riot on the 17th came too late, inasmuch as at the opening of the states on the 16th, all the members of this sovereign council had entered the Binnenhof by the stadtholder's gate. The adherents of the prince said therefore that the tumult had been produced by the two principal aristocrats, Gevaerts and Gyzelaer, having attempted to pass through the gate alone on the following day, although the populace was assembled in front



of it ; they also assert that the patriots had contrived to intoxicate the wig-maker Morand, in order that he might afford them a pretext for employing the state-police against their opponents.

It appears to us on the present occasion, as on many others of the same kind, perfectly unnecessary to know the connexion of the affair with the motives ; the fact is, that Gevaerts and Gyze-laer wished to force their passage through the mass of people, which endeavoured to impede them in every way, and that finally the wig-maker Morand seized the reins of their horses. He was immediately arrested, and, according to the Dutch criminal law, which, besides the use of the torture, retained many other vestiges of the Spaniards, was tried for high treason, because he had committed an offence against the deputies, who were part of the sovereign. He was condemned to death, and the oligarchs, tradesmen and their clique, who called themselves patriots and friends of freedom, were not ashamed to extol Gyzelaer's humanity, because he caused the sentence of death to be changed to one of perpetual imprisonment.

On this occasion also Frederick II. showed his accustomed greatness of mind : he testified his respect for constitutions freer than that which was rendered necessary in his kingdom, composed as it was of pieces artistically fitted together, and which, in spite of all appearance of civil government, has always been governed in a purely military manner, and will probably long continue to be so governed. He was besieged on all sides with applications to interfere in the affairs of the husband of his niece ; but he always recommended his haughty niece to remain within the limits of the constitution, although he entered into negotiations with the states-general on the subject of the complaints made by the prince, and in particular caused to be delivered to them two very decided notes respecting the command of the garrison of the Hague. Notwithstanding the decisive tone of these representations however, Frederick, who was well-acquainted with Herzberg's wish to make Prussia and her great king of importance by force, caused the draft of the instructions sent by him to the Prussian minister at the Hague to be laid before him, and struck out with his own hand all such passages as seemed to lay too little stress upon the constitutional power of the states.

About this time a magistracy had been organized in Utrecht by the assistance of the states of Holland, and the citizens had

obtained the share they required in choosing the magistrates. There existed therefore in the province of Utrecht, in addition to the aristocratic revolt, which had at last connected itself with the aristocracy who held with the prince, a sort of democratic revolt, namely of the city magistrates chosen by the citizens against those who, after the custom of the middle ages, were only eligible by a certain circle to form a certain circle of citizens. In Amersfort and Rheenen the old states maintained their authority by the assistance of the troops which they had obtained from the hereditary stadtholder; in the other towns the party in favour of the new organization of the town-councils was victorious, as it had been in the principal town, for the states of Holland had forbidden their troops, who were then serving in the army of the captain-general, to act in the affair of the states of Utrecht at Amersfort. The democratic movement which had been successful in Utrecht against the old aristocratic city-magistrates appeared about to spread into the other provinces.

In Friesland the citizens of Leuwarden demanded a change in the existing arrangements; in Groningen another magistracy was actually chosen; in Overijssel the towns joined the new magistrates of Utrecht against the states; and even in Guelders, where the prince ruled almost monarchically, in consequence of the numerous nobility and his own large private property, the little towns of Hattem and Elburg entered into connexion with the newly organized towns in Utrecht and Overijssel. These towns also demanded the abolition of the oligarchical form of government of the seventeenth century; they demanded that the citizens should have a share in choosing their magistrates, and resisted the decrees of the states; that is, of the nobility of Guelders. These states had determined that the constitution of 1674 should be retained entirely unchanged; they refused to receive any of the petitions which were presented against this decree, and prepared to compel the cities by force to acquiesce in it: this gave rise to a civil war, first in Guelders, and afterwards in Utrecht. The change of government in Prussia, which happened just about this time, gave more effect to the cabals of the English and to the violent temper of the princess, whose brother now ascended the throne, at the court of Berlin, than had formerly been the case, and Herzberg was at last allowed to write whatever he chose.

The old king of Prussia died on the 17th of August 1786:

his successor, Frederick William II., by his constitution, by bad habits and education, had sunk as low as Louis XV. did later in life; he was entirely in the power of his mistresses and their relations, and was mystified by men like Bischofswerder and Wöllner, by fanatics, mystics and pietists, for their own purposes. The minister, Von Herzberg, at the head of the department for foreign affairs, and the duke of Brunswick as commander-in-chief of the army, considered themselves now able to raise the honour of the king by means of energetic steps in favour of his brother-in-law, and to give the Prussian state a new political influence; and the more so, because the beginning of the reign of the present king had formed, by its extreme liberality and extravagance, a strong contrast to the excessive stinginess of the last years of Frederick. Both had been long perplexed to find a pretext which should suffice to justify the interference of Prussia in the eyes of the other states of Europe: the assertion of the Dutch republicans (patriots), although it has never been proved, appears to us not altogether improbable, namely, that the Orange faction caused the armed contest in Guelders in order to give occasion to acts of violence against the stadtholder, and thus to give him a pretext for claiming the protection of foreign powers.

The states of Guelders formally required the prince, on the 30th of August 1786, to send them troops against the towns of Elburg and Hatten, in order to compel these towns to agree in the decrees of the nobles, as of the majority. The states of Holland, on the other hand, took very decisive measures; they not only forbade their troops, who were under the command of the captain-general, and who formed the principal part of the Dutch army, to act against the town, but when the battle actually began they sent this so-called free corps to their assistance. The stadtholder caused the towns to be actually summoned, fired on them when the gates remained closed, and finally caused them to be occupied by his troops in the name and by the command of the states, upon which several of the citizens fled to Overysse and Utrecht. Similar occurrences took place in other provinces, and the states of the province of Utrecht, who were then sitting in Amersfort, also required troops from the prince, in order to compel the principal town to submit to their decrees; but Zealand and Groningen refused to allow their troops, who were in the prince's army, to act on such an occasion.

As soon as actual hostilities commenced, the states of Hol-

land proceeded to extremities, and paid no attention to the protest of the nobles, who in the states of Holland had only one voice against nineteen votes of the cities. Of these nineteen, sixteen voted on the 22nd of September for entirely withdrawing the command of their troops from the hereditary stadtholder. When the states, without consulting the states-general, and in opposition to the wishes of the whole of the nobles, had thus formally deposed their captain-general, they proceeded to increase the pay of their troops, in order to bring over to them the soldiers of the general army, took the rheingraf John Frederick of Salm Grumbach and his vagabonds into their service, stationed their troops on the frontiers, and gave orders to general Ryssel to march a division to Utrecht as soon as the inhabitants should require him to do so.

These steps had been long expected in silence by the ambitious princess of Orange; and duke Louis Ernest, who was as much embittered against the republicans as the princess, conducted and prepared everything, was constantly intriguing and conspiring with the English minister, and assisted her to the best of his power. He had gone long before this from Aix la Chapelle to Eisenach, and was urging his nephew, the reigning duke, who since the battle of Camperdown had considered himself one of the best generals of the day, to take advantage of the opportunity of playing Cæsar (*veni, vidi, vici*) in Holland: this actually succeeded afterwards against the rheingraf, but produced disgraceful consequences in Champagne in 1792. Such people as Wöllner, Bischofswerder and Rietz, with their companions, allowed no one to obtain any importance in Berlin; prince Henry had in vain arrived in great haste, to undertake the government in the name of his nephew; but Herzberg was still at the head of the ministry for foreign affairs, and his views concerning Holland perfectly agreed with those of the duke of Brunswick. The party who had surrounded the king in Berlin with their nets had no objection whatever to the duke's obtaining celebrity in Holland, provided he was not in their way in Berlin, according to the well-known proverb, *Sit divus, modo non sit vivus!* Without doubt, troops, which had been silently collected in the Westphalian territories, particularly that of Cleves, would have been immediately ordered to Holland, had it not been that there was some fear of the French interfering.

France had of late connected itself more closely with the Dutch



republicans, and the policy of France had the more required the sending of an armed force into Holland, as the new English prime-minister (Pitt) had sent a master in all the arts of diplomacy to the stadtholder, that is to the princess, in the very year (1784) in which he felt himself secure of his power. Harris, son of one of the lords of the admiralty, afterwards lord Malmesbury, had been one of the companions of the empress Catharine II., and had intrigued with great success during the American war; he was therefore sent to the Hague in 1784 as a master in the art of diplomacy, at the time when the steps of the emperor against Holland, and the internal quarrels in the country, became of importance. Whilst there he conducted the affairs in conjunction with the princess and nobles so completely in the dark, whilst Prussia acted openly by day, that both Pitt and the Prussian minister, on rewarding him for this duty, publicly declared that they did so because he had supported the Prussian bayonets so excellently by his diplomatic intrigues. Even in October 1786 the duke of Brunswick said to the celebrated count de Mirabeau, who was at that time, as a French spy or emissary, partly in Berlin and partly with the duke in Brunswick, "that Mr. Harris had thrown out hopes of a powerful and effective assistance, in case the king of Prussia should feel inclined to settle the affairs of Holland by means of arms, and that he had thus rendered the king desirous of consulting on the subject with his ministers of state." This passage of the thirty-seventh letter of the secret history of the court of Berlin, or of the confidential letters of count Mirabeau on the subject, may be used without scruple, because however little credit these letters and their chit-chat generally deserve, it is in this instance confirmed by a hundred other testimonies and by the result. Although England and Prussia were determined from this time forward to interfere, they were obliged to endeavour to be beforehand with the French, because it was hoped that it would be easy afterwards to fix their swords in their scabbards by means of threats on the part of England. Prussia therefore assumed the appearance of wishing to mediate, in conjunction with France, between the hereditary stadtholder and the states.

As early as August, that is, two months before count Mirabeau had the above-mentioned conversation with the duke of Brunswick, and the latter left his capital for Berlin to be present at the

consultation respecting the proposals of the English, the princess had regularly besieged her brother with despatches and letters. But Frederick William was not a military character: even as a young man, weakened by his various excesses, he was unable to read forty lines in succession, and was incapable of exertion of any kind; in his state of doubt, therefore, he despatched on the one hand count Görz to Holland, to mediate in conjunction with the French, and on the other, as the princess and Herzberg wished, caused troops to be assembled on the borders of Guelders.

Count Görz was to travel over Loo to the Hague, to make his arrangements with the Prussian minister Thulemeyer, who was then there, and with the princess, and not to involve himself too much with Harris\*. Respecting the prince himself, who was the chief person, and for whose sake the whole affair had been begun, the words of the instructions are: "*The count must himself be aware that the conduct of the prince has not always been such as was most conducive to his true interest, and that he has often manifested weaknesses.*" In regard to the principal point, the count was only to insist upon the command of the troops in the Hague being restored to the prince, in order that he might be enabled to return thither. Count Görz was particularly chosen for this mission, because the French agent in the Hague was the marquis de Vêrac, whose personal acquaintance the count had made in Petersburg. The negotiations were rendered much more difficult however by the fact that the French minister was well acquainted with the decided dislike of the prince to the French, because the latter had for years given great offence to both French and Dutch, by openly proclaiming his anglomania on all occasions when he was sober and speaking intelligibly; and the princess was manifestly quite in Harris's power.

Görz arrived at the moment when, on the occasion of the occupation of Hatten and Elburg, the states of Holland had pro-

\* The whole of the second part of the historical memorabilia of the Prussian minister of state, John Eustace count Görz, collected in 1828 from his own papers, is occupied with the affairs of Holland. Documents are to be found in Herzberg's 'Recueil,' and the particular details, as well as the writings of the Dutch on the subject of this quarrel with the stadtholder, are to be found in Jacobi's 'Complete History of the Seven Years' Confusion and the following Revolution in Holland.' Caillard's 'Mémoire sur la Révolution de Hollande' forms the first parts of Ségur's 'F. Guillaume II.'

claimed open war against the prince : he remained some time in Loo, travelled over Amersfort, where the states of Utrecht were holding their sittings, under the protection of the military force of the prince, and was therefore necessarily regarded in the Hague as an ambassador of the duke of Brunswick, who was collecting a body of troops in Westphalia, or as an agent of the princess, rather than as a messenger of peace from the king of Prussia. The Seven United Provinces were at this time in a very lamentable condition ; not only the secretary of state (Fagel) and the states-general were at open disagreement with the states of Holland, but this was also the case with the city of Amsterdam. This city carried on private negotiations ; and when the states of Holland forbade their troops to obey the commands of the states-general communicated to them by the prince, the latter raised a loan, for which England furnished the security, to enable them to pay and to retain these troops.

In the meantime M. de Rayneval had been sent from Paris on account of the negotiations, and Frederick William II. was afraid to interfere vigorously as long as Vergennes was alive and at the head of the department of foreign affairs in France ; the time was therefore consumed in fruitless negotiations. Görz had been in the meantime recalled in January 1787, and when Vergennes died in February, the new ministry and Calonne, who was the soul of the whole, had so much to do with the first assembly of the notables, which had just been summoned, that they lost sight of the affairs of Holland for some time.

This interval was improved by the English to separate and disperse the ruling patriotic party by means of money and intrigues. The tone of opinion had been greatly changed in Zealand, Utrecht, Friesland, and even in Amsterdam and some of the other cities. It appeared at last as if a democratic party was being formed, for the opponents of the stadtholder took the citizens under their protection, and permitted them to choose new magistrates under their auspices. At last the people everywhere rose in arms : the prince, on the other hand, relying upon four provinces, placed himself at the head of his troops near Arnheim. This caused the Dutch to establish regular stations for troops along the frontiers of south Holland. These troops were commanded by general Ryssel, whilst the rheingraf, with his so-called legion, advanced to the assistance of the democrats in Utrecht. At last, after bloody contests had taken place in

the neighbourhood of Utrecht, the prince published a sort of declaration of war against the states of Holland. In this manifesto, indeed, only one party of the disturbers was mentioned, but every one knew that the majority of the cities of Holland belonged to that party: it was therefore the universal opinion, that the following words in the manifesto applied to all these cities: "This party in the states of the province of Holland has entirely annihilated the constitution and the rights of the magistrates, of the hereditary stadtholder, and of the states-general; the prince therefore feels himself justified, in connexion with the states of the other provinces, in making use of those means of constraint which the constitution puts into his hands," &c.

After such a manifesto, and at a time when the troops of the states of Holland and those of the prince were drawn up against one another,—when every one knew that, particularly in the Hague and the neighbourhood, the common people were entirely Orange, it appeared very extraordinary that the princess, just four weeks after the publication of the manifesto, chose to undertake a journey from Nimeguen to the Hague, where she had nothing to do, and where the hostile states of Holland were. In order to arrive there she had to pass through Ryssel's line of troops and through the armed citizens, who had been particularly offended by her husband's manifesto; and it was asserted, apparently with reason, that she intended either to excite the enthusiasm of the populace, or to get some pretence, in case she should be personally insulted, for calling upon her brother, the king of Prussia, to avenge her quarrel. This is no mere theory, for Görz says so expressly\*.

The situation of things showed at the same time the imperfection of the constitution and government of the republic, and the impossibility, under these circumstances, of consistently carrying out any measure. The states of Holland, on the states-general issuing a command to general Ryssel to withdraw his

\* In his 'Memorabilia,' part 2, p. 199, he says: "When everything was prepared for a civil war, and the troops of the two parties were standing opposed to one another in the field, the bold and well-concerted step of the princess of Orange, namely her journey from Nimeguen to the Hague, entirely altered the whole state of affairs. For what neither the entreaties of the prince and princess, nor the proposals and advice of Görz and Herzberg had been able to effect with the king,—a powerful interference, to be supported, if necessary, with arms,—was effected with the brother by the insult offered to his sister not far from Schoonhoven. Frederick William demanded a speedy redress for this insult, and when this was refused," &c.



troops from Utrecht, had given him contrary orders, and, when the states-general suspended him for disobeying their orders, had promised him protection and full indemnification. Whole regiments and nearly all the officers had been induced by the manifesto of the states-general, issued shortly before the journey of the princess, to withdraw from the service of the states of Holland, and only to receive commands from the prince: in those places therefore through which the princess must pass, the duty was performed by citizens, countrymen, and volunteers. The princess gave out that she was going to her country-house, the House in the Bush as it was called, in order to negotiate with the states from thence; but had this been the case, she should have announced it long before: she was moreover accompanied by Bentinck, whom public opinion pointed out as the originator of the tumult concerning the right of driving through the stadtholder's gate. Besides this man, she was attended only by the baroness de Wassenauer and a few servants, as if the country were in the most perfect tranquillity.

The princess was allowed to proceed quietly as far as Schoonhoven; but two leagues beyond this little town she was stopped on the highway by a stupid Dutch peasant or pedlar converted into an officer, to whom this part had in all probability been purposely assigned; and in order not to be obliged to remain waiting in the road, she was brought into a neighbouring village, where she was obliged to stay in a little house till this newly-created commandant should receive orders from Woerden, where a commission from the states of Holland was sitting. This lasted some hours, and the Dutchman, anxious to exhibit himself in his full military dignity, behaved in an exceedingly comical manner, which was however afterwards interpreted by sophisticated Prussian diplomatists into an insult offered to the sister of their king. He guarded her in the house as if she were a prisoner of war, kept his sword drawn in her presence, most probably out of politeness, and only sheathed it when he was reminded of it afterwards. Even his good-natured sort of hospitality was considered an insult. While they were waiting in the hut, he caused pipes and tobacco, wine and beer, to be served after the Dutch fashion, for the entertainment of the princess's retinue.

After a few hours the commissioners arrived from Woerden, begged the princess to excuse what had happened from the

ignorance of the peasant or pedlar in his capacity of officer, showed all proper politeness to the princess as became people of education, but begged the princess to pardon them if, owing to the situation of affairs and to the disquiet in the whole country, they felt themselves compelled to request her to remain in Schoonhoven till they should receive commands from the Hague. These commands not having arrived on the 30th the princess returned, and when beyond the frontiers received the negative answer of the states of Holland to her request. This affair was then related in the Prussian and English papers according to Bentinck's version ; the history of the days from the 28th to the 30th was converted into a tale of insults, and thus the princess herself represented it to her brother the king, whom the English were also urging on from the other side\*.

From this moment Herzberg and the duke of Brunswick could reckon on their wishes being attended to. Herzberg was now allowed to cause threatening notes to be handed in at the Hague by Thulemeyer, and the duke was permitted to collect the long-levied troops in a camp of exercise in the county of Cleves. When Louis XIV. in 1672, on account of a personal insult, commenced a war with the Netherlands, every voice was raised against him, and he was blamed as proud and haughty ; Prussia now threatened bloodshed and rapine on account of a very problematical insult to the sister of the king, who moreover was only the wife of the first officer in the republic. Herzberg's note, which Thulemeyer handed in at the Hague on the 11th of July 1787, was at any rate much more insolent than that of the poor Dutchman at Welsche Sluys. France indeed pretended to establish a camp at Givet in opposition to that of the duke of Brunswick, and even sent soldiers and offi-

\* This is also Ségur's view of the affair ; and although his free and easy style is of no great authority in historical matters, he is here more in his element, as he is talking diplomatically and politically, and as, properly speaking, he is only copying Caillard. He says, in his 'Hist. du Règne de F. Guillaume II.' &c., Paris (1800), vol. i. p. 126 : "Harris avait prévu que si les états laissaient venir la princesse à la Haye, leur faiblesse et sa présence enflammant la populace, il seroit facile de faire éclater une révolte qui écraserait la partie patriotique, et que si l'on l'arrêtait dans sa marche, le roi de Prusse, qui avait plus de vanité que de prudence, seroit irrité de cette insulte et verroit son honneur intéressé à se venger de cet affront. Frédéric Guillaume ordonna à son ambassadeur Thulemeyer d'exiger des états une satisfaction éclatante pour sa sœur, et de les menacer de la guerre en cas de refus. L'effet de cette *intrigue Anglaise* devait être un grand embrasement de l'Europe."

cers to Holland, but the spies who were sent to Givet reported that nothing of the kind was to be seen there. Thulemeyer's first remonstrance was seconded by a note of the French ambassador's, in which the polite Frenchmen loudly expressed their displeasure at the want of respect shown to the princess, and declared it to be a gross insult. In this note the king of France was made to say that Prussia had a right to demand satisfaction for the insult, and that it could not be refused.

The states of Holland returned evasive answers to both these notes; Thulemeyer therefore on the 6th of August delivered another note from Herzberg's pen, which is written in the same style as that of the then Prussian officers, who had been accustomed under the last two kings, Frederic II. and his father, to transact business in rather a military way. As a specimen of this style, we give the conclusion of the note under the text\*, from which a very good opinion may be formed of the whole. A note handed in immediately after required from a weak but independent state the same sort of satisfaction which Louis XIV. extorted from Genoa, when he disgraced not Genoa and the doge, but himself, by compelling the doge to come to Paris, although, according to a law of the republic, he was not allowed to leave the city.

France was at this time in considerable anxiety concerning the democrats, who were to be assisted in Holland on this occasion; and besides, the archbishop of Sens, Loménie de Brienne, who had been at the head of the French ministry since April, did not find it advisable to adopt the plan proposed by the count de Montmorin, the minister for foreign affairs. This proposal was to assist the states of Holland, as the latter had undertaken

\* "By the express command of his majesty, the undersigned again requires from your high mightinesses a satisfaction speedy and proportionate to the insult. His majesty has further commanded me not to let you remain ignorant, that the king will unchangeably insist upon this satisfaction, and will not rest satisfied with explanations of single facts, indefinite apologies and evasive answers. The king is not ignorant of the respect which is due to the republic of the Seven United Provinces, and to the assembly of the states-general, which represents the government of the republic towards other powers. His majesty finds pleasure in being able to approve of the conduct of your high mightinesses, when you previously stated that you did not approve of the measures which had been taken in Holland in regard to the affair which forms the subject of this memorial. His majesty expects a quick and satisfactory answer from the further deliberations of your high mightinesses on the subject."

to bear the expense, and was supported by the minister at war and another colleague : Calonne indeed was of the same opinion ; but the archbishop was an intriguer, who had no idea of bold undertakings. He excused himself by the state of the finances, threatening hints of the English, that they would join with Prussia if France actively interfered ; finally, by the impossibility of carrying on a naval war. As this non-protection of the Dutch and the easy triumph of the duke of Brunswick were at a later period destructive to the old French government as well as to the duke himself, we give in the note Ségur's (or rather Cail-*lard's*, for Ségur has taken it from him) account of the whole connexion of the matter\*. Besides this, the whole state of things in the Netherlands was so extraordinary, that it was difficult to say whether a foreign state was justified in assisting the province of Holland ; because, when France in the beginning sent officers, soldiers and arms to the states of Holland, the states-general complained of this as a violation of the treaties which existed with the several provinces.

\* Ségur, l. c., vol. i. p. 130 : “ Mais la faiblesse qui causa peu de temps après la ruine du pouvoir monarchique en France, rendait déjà toutes les résolutions du cabinet de Versailles lentes et incertaines. Le comte de Vergennes, entraîné par l'activité du duc de la Vauguyon, avait, contre son vœu et celui du roi, pris part aux premiers troubles des Provinces-Unies. Engagé dans cette querelle, le roi n'avait soutenu les patriotes qu'à regret ; il craignait que cette contestation, en suscitant une nouvelle guerre, n'achevât d'épuiser ses finances ; cependant il sentait, qu'il ne pouvait sans honte abandonner la Hollande à l'influence de l'Angleterre ; il avait toujours espéré terminer cette querelle par un accommodement. M. de Montmorin, qui avait succédé à M. de Vergennes dans le ministère des affaires étrangères, représentait en vain, que pour parvenir à ce but, il fallait développer autant de force que de sagesse, et que pour empêcher la guerre il fallait se montrer prêt à la soutenir avec succès ; en vain le maréchal de Ségur, ministre de la guerre, renouvelait à chaque conseil la demande des fonds nécessaires au rassemblement d'un camp à Givet. L'archevêque de Toulouse, depuis archevêque de Sens, nouveau ministre des finances, homme de peu de moyens et d'une grande ambition, dont les femmes avaient fait la réputation, et qui la perdit dès qu'il fut à la tête des affaires, retardait de jour en jour la décision du conseil sur cette importante détermination, et croyait que les menaces d'un armement sans en faire les frais suffiraient pour effrayer la Prusse. Il était évident que ce système puéril ne pouvait pas avoir un long succès. Le duc de Brunswick, qui s'était avancé peu à peu jusqu'aux frontières de la république, envoya des officiers reconnaître les dispositions des Français. Il a dit lui-même souvent depuis son expédition, que s'il y avait eu quelques tentes il n'aurait pas continué sa marche, parceque le roi de Prusse ne voulait pas pour l'intérêt de sa sœur s'engager dans une guerre avec la France, dont la maison d'Autriche n'aurait que trop profité. Mais en apprenant que les Français n'avaient pas un seul corps de troupes sous les armes, il jugea que la célérité de son expédition en assurerait le succès.”



When the Prussians began to take measures for obtaining satisfaction with arms in their hands, or rather for reinstating their princess and her husband in their rights by force, the confusion became so great, that not only the states-general united with the prince, but Zealand followed the example of Guelders and Friesland, which had long been Orange, and deserted the democratic party of Holland and Utrecht, which now were assisted by Groningen and Overijssel only. As soon as it was ascertained that the French had not collected an army, the troops of the prince marched in the name of the old states of Utrecht from Amersfort against that city and besieged it; and the Prussians, in three divisions, began their march at the same time. The states of Holland had delayed their answer to the insolent demands which the Prussian minister had made till the 8th of September; on that day they returned a submissive and polite answer, but refused the demands and sanctioned the conduct of the commissioners at Woerden, although at the same time they lamented and begged pardon for the fact of the peasant officer having walked up and down in the princess's presence with his drawn sword in his hand.

Before this answer of the states was sent off by the Prussian ambassador, he received in the night of the 8th another very coarse declaration, which he communicated to the states on the 9th. The answer of the states on the 12th would have been too late, even if it had not been unsatisfactory, for the Prussians were already on their march. Five thousand men, under general von Lottum, crossed the Rhine at Arnheim and marched against Utrecht; 12,000, under the duke of Brunswick, crossed the Waal at Nimeguen; 5000, under Von Knobelsdorf, marched against Zutphen. As far as Amsterdam nothing whatever was opposed to the Prussians which could have delayed them even for a moment, except the boggy nature of the ground and the marshy roads; it would be useless therefore to mention all the particular circumstances of this Prussian triumph, the result of which was, that the hereditary stadtholder was forced upon the Dutch by foreign bayonets, as the Bourbons were upon the French in 1814. One difference however is to be remarked, that the Orange party in the Seven United Provinces was at least equal in numbers to the patriotic party; and that the democratic party, or the part of the citizens, which had only arrived at

a consciousness of their situation within the last few years, had still very little power.

Although Amsterdam offered some resistance, the subjection of the provinces to their former government was completed within a month. The matter was easier than it was in France in 1814, for it was only necessary, under the protection of Prussia, to turn out the patriots in every quarter and to put in their places the partisans and friends of the house of Orange, and the reaction was complete and the counter-revolution firmly established. This counter-revolution, however, paved the way for another revolution of a quite different character, inasmuch as many of those who had assisted the democrats in Holland fled to France on the breaking out of the revolution there, formed committees, travelled backwards and forwards, kept up a correspondence with their native country, and prepared everything for an entirely different sort of revolution from the former one.

The prince having recovered the chief command of all the armies of the republic in its whole previous extent, there was no necessity for foreign troops to preserve order: 6000 Prussians were however lent to the prince for six months. There was also no need of violence; the chiefs of the patriotic party voluntarily retired for some time, and as all the principal officers and magistrates of towns were chosen from the Orange party, and the prince was enabled to exercise a still greater influence in the choice of the town-authorities than before, the Orange party became entirely despotic in the country. The Prussian troops behaved in an exemplary manner, and were often required to keep the Orange populace in check: the latter persecuted, plundered and murdered the originators of the democratic agitation as well as the patriots. The Orange tribunals and magistrates secretly connived at the excesses of the mob, and it was this silent reaction, and not actually the government, that drove out of the country those remarkable men who afterwards formed the committees of St. Omers and Dunkirk, the effects of which became dangerous to the ruling party after the year 1789.

The whole advantage of this affair was gained as usual by the well-calculating English; the disgrace fell to the share of France; the actual loss to that of the republic of the Seven Provinces; and Prussia gained the vain and momentary glory of a victory, without having had an enemy before her, at the expense of a very considerable sum of money, and at a time when the king

was wasting in the most trivial expenditure the treasures which his predecessors had collected. As far as England was concerned, she obtained, merely by the arts of diplomacy and by the part which Harris played by means of the princess, an object which she had been in vain attempting for a century, namely, the entire suppression of the French party in the Netherlands, and the formation of an intimate and necessary connexion with the republican party who had been accustomed to hold with France. In April 1788 a defensive treaty was concluded between Holland, Prussia and England, which did not produce the slightest advantage to Prussia, and by means of which Holland, in return for its constitution,—the government of the hereditary stadtholder being secured by this treaty,—was drawn into the war of the revolution a few years afterwards.

In France, the party which even at that time was endeavouring, by the overthrow of the reigning branch of the Bourbons, from whom no change of the old system could possibly be expected, to make a new modeling of the empire possible, did not fail to take advantage of the discontent of the nation at the Prussian expedition, in the same manner as they had previously taken advantage of their complaints concerning the payment of money to the emperor on the occasion of his acting the mediator in the contests between the emperor and Holland. The French, justly proud of their military qualities, and jealous of the national honour almost to an absurd degree, never pardoned the then ministry or the weak king for immediately relinquishing all preparations on a mere threat from England, and not only that, but for disarming and removing from the frontiers such of the Dutch as had fled their country.

Prussia was plunged into very considerable and quite unnecessary expenses by the unseasonable magnanimity of the king, because, even if it were considered necessary to avenge with arms the delay in the journey of a Prussian princess, and to bring back herself and her husband with an army, it was at any rate very unjust to expect the poor Prussians to pay for the faults which the rich Dutchmen had committed. By means of the success of this campaign against citizens and badly-drilled soldiers, the military contempt of the citizens among the noble officers, particularly of the guards, reached its highest pitch in Prussia; and the idea of the duke of Brunswick, that he was endowed with considerable talents in the field, in which idea he

was supported as well by Mauvillon as by Mirabeau, gained such ground with himself and his officers, that even the experience realized in Champagne was not sufficient to convince them of their error.

Frederick William's reign about this period strongly resembled the latter end of that of Louis XV., and the king of Prussia, as well as the king of France, hoped to be able to reconcile himself with God and propitiate for all the sins committed in the flesh by a blind faith or a wild enthusiasm, and particularly by upholding the orthodox faith. Wöllner, who at the beginning at least should have remained quiet, because the king did not wish at once to appear to produce a reaction, was allowed to surround himself with a band of orthodox believers, to issue a so-called edict of religion and to rave against rationalism, without being supported, as the reaction party in our days is, by two parties, the one consisting of those who are never to be improved or convinced, the other of those who at one time are believers, at another atheists, according to the fashion of the times. If we wished to write scandal or satire instead of history, the history of Prussia during the reign of Frederick William II. offers us the same abundance of materials as that of Louis XV. The haughtiness and the contempt for everything citizenlike and moral, which had been increased by the campaign in Holland, prevailed to as great an extent among the Prussian nobility as among the nobles of the French court. This haughtiness and the foolish self-confidence of that immoral period, in which every really honest man was laughed at as a useless pedant, even survived the unfortunate expedition into Champagne, and continued till the battle of Jena: we were all therefore very much rejoiced, when the misery which followed this battle appeared to have produced a total regeneration of Prussia, and the boasting and noisy talking vanished. We all hoped at that period that the despotic and at the same time servile spirit of haughty magistrates and officers had vanished at once and for ever.

We shall neither here nor in future load our pages with court anecdotes, because we have observed and shall observe a similar principle in treating of the French revolution; although unfortunately the sources of this sort of information are the richest, and are more amusing, to those who only read for pastime, than real history can be. Mirabeau's letters contain a considerable number of anecdotes, true and false; but, as is well known,



after the year 1806, a whole library of works on the history of the Prussian court made their appearance. Apart from this, however, what was universally known of these secret histories of a king weakened by sensuality and fancy, incapable of any kind of exertion and lost in superstition and mysticism,—facts about which there can be no doubt,—is bad enough. For instance, it was known that the queen, who had long played the same part that the daughter of Stanislaus Leszinski had to support at Versailles, was induced by money to give her consent to the king's being connected by a left-handed marriage with miss von Voss; so that the pious king had at the same time two wives, innumerable concubines, and an acknowledged mistress in the person of Madame Rietz. This lady's business was principally that which madame de Pompadour performed at the French court.

When miss von Voss died in 1789, the daughter of Encke the bugle-player, whom the king had married to his chamberlain Rietz, and whose son he had made count de la Marck immediately after the commencement of his reign, began to play her part regularly. Her business was that of madame de Pompadour, who catered to the evil passions of Louis XV. as she alone knew how or could know how to do. She became the principal person in the kingdom, and she has herself informed us by the mouth of her defender of the state of things in that kingdom, and of the part she played as countess of Lichtenau. The book, principally of her own composition, interspersed with vulgar and impudent documents, and edited by Schummel prorektor in Breslau in the course of the present century\*, was not written, like Mirabeau's letters, to show everything in its worst light, but as much as possible to justify everything. Whoever possesses any tact whatever, will be enabled from this little book to obtain a sufficient idea of the state of affairs in Berlin: the period to which it refers does not however come within this portion of our work.

#### C. FRANCE.

We have previously endeavoured to show, both by the facts of history and by the arrangement and application of these facts,

\* Apologie der Gräfin Lichtenau gegen die Beschuldigungen mehrerer Schriftsteller. Von ihr selbst entworfen. Nebst einer Auswahl von Briefen an sie. Erste und zweite Abtheilung. Leipzig und Gera, bei Wilhelm Heinsius. 1808.

that it was not the yearly deficit in the revenue as such that had made the necessity of a complete change to be felt even under Louis XV., but rather the impossibility of applying those means for remedying the evil which the time and its knowledge furnished, without entirely reforming the state of affairs. Changes had been made by degrees in every country in Europe, but in France the hierarchy and aristocracy had not even been limited in those unimportant matters which Maria Theresa had ventured upon in Austria; the machine of state remained as it had been under Louis XIV., but all the wheels were become rusty and the springs without elasticity. The changes in the office of minister of finance had done no good, nor had the economy of the court, the diminution of the expenses and the avoiding new debts, which Necker had recommended as a panacea, been found to produce any permanent effect, although for the moment this economy was useful, and the wanton extravagance of the princes was not to be commended, as Calonne had the impudence to do. The whole system of the constitution, administration, &c. of justice was so intimately connected together, that either everything must be left as it was, or everything entirely changed.

Since the time of Louis XIV. the French exchequer had either been actually bankrupt, or in the situation of a house of business which at one time suspends payment, and at another employs every means, honest or dishonest, to free itself from its perplexities and to meet its obligations. Despotic measures could only avail for the moment, but such measures had been adopted since the time of Louis XIV. and had increased the confusion. The only means to do away with the evil would have been for the king to call to his assistance that portion of the nation which alone had hitherto been taxed, against that portion which, protected by privileges, paid no sum into the exchequer at all proportionate to their income,—in the name and by the assistance of the people to compel all parties to equal contributions, and at the same time to do away with all the hindrances which had been thrown in the way of trade and industry: but to accomplish all this he would have required the assistance of the privileged classes, and this they were quite determined not to give. How necessary the thorough reform of a condition which could by no means be accommodated with the social requirements of such a state of society as that in the latter half of the

eighteenth century was, even Louis XV. felt, when he gave some consideration to the system of the economists, and amused himself with agriculture according to the directions of his physician. This was the system which Turgot announced; but he chose an impossible way, when he imagined that he could produce a change by which thousands would lose,—and which is only to be produced when a whole nation rises at once and commits an injustice, in order to give a new existence to future generations,—and wished to have it effected by parliaments and ministerial edicts. Turgot's successors could no longer assist the exchequer even for the moment; and Necker having found means to do so, in order to keep the old machine going for a few years longer, was to a certain extent a new evil: the perplexity was increased by it.

It appears to us that much too great importance has been attributed to Necker's principles, as well as to many other entirely accidental and at any other time quite unimportant matters; nay, even to the so-called deficit and the extravagance of the princes, which, compared with the present secret service money alone, appears quite inconsiderable in connexion with an event in the history of the world like the French revolution, the matured production of a period which had been preparing for an entire remodelling of the state since the regency. It must be immediately granted, that Necker's liberal views and his system of raising money, as well as Calonne's absurd extravagance in grants to the court, the princes, favourites and mistresses, brought about the catastrophe somewhat sooner than it would otherwise have happened; but a comparison between France as it is, which is hardly more moral or better governed than it was during Necker's ministry, and the sums which it can and does produce, and France at that time, proves that such a catastrophe must have happened sooner or later.

Even the blood-sucker of France, whose heart was as hard as a stone, the finance-minister Du Terray, at last roundly declared, though without dreaming that a revolution could proceed from any other quarter than the despotic cabinet, that without an entire change in the existing order of things, the state would no longer be able to pay its expenses. The noble-minded Turgot endeavoured to produce this change by peaceful means and by ministerial edicts; but even if he had not been obliged to yield by the opposition of the parliament, he would

have found that where sulphuric acid is required, rose-water is of no use. Necker and Calonne were accused by different classes of men of being the originators of the revolution ; this is however perfectly absurd : a more correct view of the character of these ministers is, that they were both quacks of the doctrinaire school, the one proceeding from the citizen class of rich bankers, the other from the court-and-nobility school of the old routine and of phrase-making. We must now proceed to take up the thread of the internal history of France and of the period preceding the revolution at Necker's first ministry, where we left it in the former division of this volume.

Necker had been sought for and suffered at court in spite of his doctrinaire opinions, which were little pleasing to the queen and the court, or even to the king, and of his somewhat pedantically exact formality according to Genevese and plebeian manners, because he had been able to procure the necessary sums for the North American war without imposing any new taxes. He was suffered also to imagine that the economy which he had recommended to the queen, the princes and the court, and which, under the circumstances, was certainly a moral duty, was a measure of political wisdom and financial importance in a state like France. In Geneva, Sweden, or Denmark, the case would have been different. Necker himself tells us that he a merchant was selected because credit was required, and it was necessary to raise loans, the most advantageous manner of conducting and obtaining which would naturally be best understood by the managing partner of a large banking-house. He confesses to us on the same occasion, that he, the minister of a large and powerful military monarchy, hampered with a hierarchy and a powerful nobility of the middle ages, and with all the absurdity and nonsense which belongs to a great court, had imagined that he should be able to do away with deeply rooted and immense evils by the same means which would have had the desired effect in a large private household, or even in a little republic. This shows us at once the whole character of the man, particularly when we consider the decided confidence of tone and expression with which he delivers his sentiments\*.

\* He says (*Sur l'Administration de M. Necker, par lui-même, Paris, 1791*), page 8 : " Les moyens auxquels je mis ma principale confiance étaient l'ordre, l'économie, et l'application de la morale à toutes les transactions." He then



Necker himself tells us, in his defence of his second ministry, how impossible it was to make an old courtier and wit like Maurepas, who, like most women of fashion, could speak on all subjects, and had heard everything spoken of, and consequently thought he knew everything better than any one else, comprehend any really great or useful idea. He tells us, that everything which the weak but well-meaning king had approved of had to be submitted to the criticism of the queen, who understood court pomp much better than finance or politics, then to that of the princes, of madame de Polignac, and even of madame de Campan, the latter of whom has left us some specimens of her wisdom in her *Memoirs*. Necker has described the anxiety which he always felt on ascending the long dark stair that led to the cabinet of Maurepas either at Versailles or the royal palace, when he had a new idea to communicate to the count and to make him understand its importance. We learn from his own words, how much such a man, educated after the Genevese manner, must have rendered his business more complicated by his well-intended moral or doctrinaire sermons among people, who, because they were intellectual in Talleyrand's way, held the same opinions as he did. Necker, notwithstanding this, introduced several improvements, among which we must particularly notice the provincial assemblies, as the first step to important changes\*. This was in 1779: he fell however as soon as he attempted to raise, however little, the veil which covered the mysteries of the cabinet and of the finances. Necker wished to publish a balance, or an account of

proceeds to justify his system of raising loans in such a manner, that it is evident, that even in 1791 he did not understand that he had undertaken a duty, the impossibility of accomplishing which was evident to every one at first sight. He says, p. 9, "Il était réservé à l'esprit de nouveauté qui nous gouverne sur tous les points, de censurer l'usage du crédit pendant la dernière guerre, comme s'il y avait eu une possibilité de subvenir par des impôts à des besoins immenses. Je ne sais ce que la nation pourra payer en extraordinaire sous un gouvernement où elle réglera elle-même toutes les contributions et toutes les dépenses (the French people sold and betrayed by their deputies know and feel this now); mais autrefois on aurait éprouvé des résistances très nuisibles à la confiance publique, si dès le commencement de la guerre on eût demandé un troisième vingtième et ce supplément n'eût valu que vingt à vingt cinq millions."

\* Regarding Necker's administration, the reader will do well to consult the fourth section of the first part of 'Geschichte der Staatsveränderung in Frankreich unter König Ludwig XVI.' (Leipzig, Brockhaus, 1827), inasmuch as we can only treat cursorily of the administration and finances as well as the military history, in order not to miss our actual purpose.

the administration of the finances, in order to render it an easier matter to raise the loans which would be required in the course of the American war, and perhaps on the same occasion, and without being distinctly conscious of it himself, to throw some light on his own administration. This was done in January 1781 by a printed book (*Compte Rendu*), and obtained for Necker some credit and a dangerous popularity among those in the nation who wished for an entire change of all the relations and arrangements, and not merely a sort of patching up of the rotten machine of state by temporary financial measures. Necker was not however the man for this, and he was only praised because he prepared the way for bolder men. His work was considered by the court as a dangerous innovation, and the parliaments and all friends of the old state of things were struck with horror, although it certainly caused his loan to proceed more satisfactorily. The weak points which Necker laid open to the jesters of the court, to such men as Calonne and others, by means of his vanity and his manner of praising himself, his family and friends (the same manner which succeeded better with his daughter madame de Staël, and procured her a European celebrity), may be discovered even in his book on the finances. Although writing on the finances of a great kingdom, in a work addressed indeed to the king but intended for the press, he takes the opportunity of informing the king more particularly of the merits of his (Necker's) wife.

Necker had rendered his position very critical by the step which he had taken. Maurepas, as well as the other ministers, was offended, because Necker, in his over-valuation of what he intended to do, represented himself as the only saviour of the kingdom, and he was actually considered as such by that party of the citizens who desired change. It was therefore very opportune for his enemies, that exactly at this period he insisted upon becoming an actual member of the ministry, in order to be able to propose his measures himself at the meetings of the ministers. Necker's first office had been that of councillor of finance, he was made afterwards director of the treasury, and finally, under the title of director-general of finance, became minister: but because his title was not comptroller-general of finance, he was obliged to hand in and defend his reports in the council of ministers by means of Maurepas, which was attended with several inconveniences; so that his demand was not one

concerning merely an empty honour. His protestantism, which however would have been no hindrance had the court been otherwise inclined, was made the excuse for refusing him the title of the office which he really held, and excluding him from the deliberations of the council. He was unable to misunderstand this hint, and quitted a situation from which he had obtained neither pay nor any other remuneration. He had hardly announced his intention on the 20th of May 1781 of retiring, when he received permission to do so on the same day.

Although the situation which Necker had just quitted was one of much difficulty, there was no want of competitors to succeed him, and the numerous memoirs of that period, as well as the several histories of the latter years of the old government of France written from these memoirs, are full of anecdotes and chit-chat concerning the cabals of those who had or wished to have influence at court, where the ministry was discussed in the same style as a new opera or ballet. We learn in these memoirs what Maurepas, the queen, and the whole troop of princes and courtiers wished or did not wish; but all this appears to us of so little importance when old principles had become seriously untenable, as was the case in Calonne's time, as to be unworthy of any attention. There are however two points to which we wish to direct attention, and which had a much more extended influence than any such anecdotes or court tales.

The first of these points, which at the same time concerns the idolization of Necker by those who in 1790 totally discarded him, is, that the people were now shown for the second time that no decisive measures were to be expected from the good intentions of the weak king. The king had had in Turgot, whom he had chosen for his adviser, a man of the people and a physician who insisted on a radical cure; he had supported him and furthered his intentions as long as no regular opposition was offered, but had drawn back as soon as the parliaments offered any resistance. The result was the same when the court and the princes raised a cry against Necker, who had done enough to please the people by his zeal against the extravagance and the expenses incurred by the court and the princes merely for the sake of outward show. Inasmuch as exactly the most respectable, the most powerful and most enlightened part of the French nation, who cannot be reduced to silence, like the populace, by means of bayonets and musket-balls, began to perceive

that opposition alone, and violent and powerful opposition too, could compel the king and the court to anything good, because with their police, their *lettres de cachet* and their soldiers, they hindered every wise measure, this portion of the French nation implicitly followed any one who took decisive steps. The second point to which we wish to direct attention is intimately connected with the first; it is, that Necker, by means of his dismissal, obtained a place in the opinion of the people to which he had no claim. He was considered from this time forward as a great statesman; but in our times, when manners are corrupt and relations artificial, other qualifications are required for a great statesman than those of an honourable and intelligent man and a skilful merchant or banker. The Parisian saloons, the talk of his wife and daughter and of their very numerous friends, the whole of the then reigning liberalism of the time, his liberality and economy, created for him a colossal fame. This fame was still more increased by the wanton extravagance and the dishonest administration of Calonne; but when skill and political cleverness were more required than honesty, he was unable to answer the expectations formed of him. He was therefore obliged to leave the vessel of the state, which he had undertaken to guide during the threatenings of a hurricane, in the midst of winds and waves to meet its fate. At the time when Necker was obliged to retire, he was especially beloved by the people, because he had publicly opposed both Turgot's system, which was particularly favourable to the possessors of lands and to the small patriarchs, and the courtly theory of monarchical splendour and monarchical extravagance, which Calonne afterwards took under his protection. Besides, he required publicity in affairs of state, founded provincial assemblies, and wished to publish his account of his administration of the finances. Necker had particularly ingratiated himself with the people by several edicts issued during his administration, which were entirely unlike the old fiscal character of those generally issued by the minister of finance. His recommendations of greater economy in the expenses of the court and the state, and the several savings which he boasted of having effected, at which men, who had a deeper insight into affairs than he had, smiled, and perhaps with reason, seemed to those who judged according to their own domestic relations, as the proper and only means of preventing a bankruptcy. Among



all the hopes which Necker had raised during his ministry, there was one particularly for which he might justly be regarded as the saviour of the suffering people. He had the boldness to endeavour to destroy the principal evil in the administration of France : he wished to require from the privileged classes a contribution to the expenses of the state, of which they were the first and richest citizens. Necker had therefore announced, that the new arrangements which he had made in respect of the *taille*, which had previously pressed entirely upon that class of citizens who were already far too heavily taxed, were merely intended as an introduction to an equal division of the taxes.

Joly de Fleury, who became minister of finance after the dismissal of Necker, found himself in the greatest perplexity on being required to raise money immediately ; he found no credit, because the credit which Necker had enjoyed was entirely personal. Necker was connected with all the wholesale dealers and bankers ; his successor was not : he had promised to publish his accounts ; his successor concealed himself in the former darkness. Exactly at the time when Joly de Fleury became comptroller, the American war was causing very great expense. It was useless to think of new arrangements or a new division of taxes, because even Necker had been cried down on account of his innovations and his ideas of freedom : Joly de Fleury was therefore obliged to raise loans under very unfavourable circumstances. The exchequer was thus plunged from one perplexity into a greater, in exactly the same way as the large property of a young spendthrift passes very quickly into the hands of usurers.

The comptroller had no parliament or chamber of deputies at hand to use as a pressing-machine ; for the French unfortunately now know too well, that the deputies, under the pretence of representing the people, too often regard only their own interest, and that whoever understands the way of directing their votes is easily enabled to impose new taxes exactly as he pleases. Joly de Fleury was therefore obliged to make the old taxes still more oppressive, and to lay new burthens upon the people, who had already too much to bear. In order rightly to understand the comptroller's perplexity, it is only necessary to read the documents on this subject, and it will be seen that he stood entirely alone, and was obliged to contend at the same time against the

court and the people. He could not hint at the necessary measures in any newspaper, and prepare the public mind for their acceptance; neither could he lay the estimates before any deputies of the people, nor could he proceed despotically as in Russia: he was obliged to sustain every injustice once formally granted.

This is also true of Vergennes, who was accused of having yielded too much to the English in the preliminaries to the peace of Versailles (1783), and of having paid a couple of millions in 1785, on the occasion of the reconciliation of the emperor and the Dutch by the treaty of Fontainebleau, instead of the expense of a war, which could not then be calculated. But the peace of Versailles was the only creditable peace which France had concluded with England for more than a century, and by their interposition in favour of Holland the French gained all that they had been vainly attempting since the time of William III. As far as regards the peace of Versailles, the minister was accused of having unnecessarily restored to England Gondelore and Fort St. David's; of having sacrificed the half of the French possessions on the Coromandel coast, by having confounded Vilmour with Valdaour, the former with a large territory and the latter with a small one, the former of which he allowed to remain in the hands of the English. The ministry was also accused of having allowed a clause in the peace of 1763 to be inserted in the new treaty under quite different circumstances. By this clause the French were laid under the disgraceful obligation of not fortifying Chandernagore, but were merely allowed to surround it with a ditch. The fact of the successor of Hyder Ali, Tippoo Sultan (Tippoo Saib), not being definitely mentioned in the treaty, was also considered disgraceful. The French had till then taken this Indian chief under their protection, who had inherited from his father his bravery, his great talents both in peace and war, and his hatred of the English: by his not being specially mentioned in the treaty, he was delivered over to his enemies, who partially defeated him in 1788, and ten years after completely annihilated him. We may remark, in passing, that the two wars which the English carried on against Hyder Ali, and the two which they waged in 1788 and 1798 against Tippoo Saib, were those in which they experienced the most obstinate resistance they had ever met with in India.

It is easy to see in what perplexity the French government

was placed exactly at the time when the preliminaries were under discussion, from the fact that the minister of finance was obliged to resign, because he had no means of covering the expenses of the last year of the war. Joly de Fleury was obliged to resign his situation in the beginning of the year 1783, because he was not able to raise the sum necessary to pay the bills which had been drawn upon the exchequer during the last war, and accepted by several large houses. When it was known that the exchequer could not meet its obligations, the principal French bankers and wholesale dealers ran a risk of becoming bankrupt. The appointment of a new comptroller, which the king seemed to consider a trifle, was a difficult matter. If on other occasions the king was reproached with suffering himself to be led too much by his wife and his brothers, or with following the advice of Maurepas (who had died towards the end of 1781), on this occasion, by taking no advice and following merely his own inclinations, he committed a very gross error from his want of experience. After Maurepas' death, Vergennes, the minister for foreign affairs, and Miroménil, the minister of justice (*garde des sceaux*), had very properly assumed a part of his business as mentor; they proposed to the king on this occasion three candidates for the vacant office, who however chose none of them, but a young man of the age of thirty-two. He had made the acquaintance of this man in a kind of steward's office, for which he might be very well qualified, without being fit to manage the finances of a kingdom deeply in debt, and the revenue of which fell short of the payments by fifty millions yearly.

The new comptroller whom the king had thus immediately named was Lefèvre d'Ormesson d'Amboile, who had been first a parliamentary councillor and had afterwards become intendant of finance, as his father and grandfather had been. The king was personally acquainted with him, because D'Ormesson had conducted the administration of the royal establishment at St. Cyr under his eyes. He was an honest man, and, what probably had more weight with the king, who had always a sort of anxious fear in keeping Necker as a protestant about him, a sincere catholic in the strictest sense. Notwithstanding the confidence which the king reposed in him, he himself was well aware that he was by no means fit for this difficult office in such difficult times. Like Necker, he refused all the advantages of his

office, and even the pay; and when he was afterwards compelled to accept of a considerable sum of money, he presented it to the benevolent institution of St. Cyr, which he continued to manage, and in which the good king was much interested. The error which the king had made in choosing this man was very soon evident, for he quarrelled with Vergennes, and by his delay and hesitation, by his timidity, which rendered him incapable of taking a sudden resolution in a case of emergency, increased the king's natural want of firmness and his hereditary irresolution.

At enmity with his colleagues, without retainers at court, where he was considered as a pedantically honest and religious man, D'Ormesson was at first at least esteemed by the public: two faults however which he committed soon deprived him even of this support, and in the November of the same year he was obliged to resign. The steps which D'Ormesson was compelled to take are the best proofs of the state in which things then were, when a man like D'Ormesson was compelled to follow the course of a Du Terray. The comptroller was an honourable man, universally beloved, and by no means averse to such measures as were afterwards taken by the national assembly: indeed in 1792 many very much wished to make him mayor of Paris: although he was wise enough firmly to reject this dignity, yet he was obliged, during the time of his holding office, to violate all faith and honour on two remarkable occasions. D'Ormesson, in order to have ready money at hand, was obliged to cause six millions to be secretly abstracted from the *caisse d'escompte*, which was pretty much what the bank now is, and to be conveyed into the royal treasury. This robbery could not remain concealed, and the confidence in the bank was so suddenly shaken, that it was obliged for a time to stop payment. The second measure which D'Ormesson took was as violent as the first which we have mentioned. Without any reason assigned, he caused the agreements of the farmers of the taxes to be declared null, and in the name of the government undertook the direct management of the revenue. This might certainly be useful and necessary, but the manner in which it was done was contrary to the common principles of law, and terrified every one from having anything to do with them in money-matters, at a time when the government required people who could raise millions.



This situation perfectly well explains the reason why Vergennes did not choose to begin a war for Holland in 1784, and in 1785 chose rather to pay money than commence a war. The minister for foreign affairs (Vergennes) was also blamed for the commercial treaty which he concluded with England in 1786, as having yielded too much to that state, and having thereby seriously injured the trade and commerce of France. We merely mention this affair incidentally, as it does not lie within the circle to which we must limit ourselves; but he, and also his successor in office, count de Montmorin, have been falsely accused of having allowed themselves to be restrained by the threats of England from assisting the Dutch against Prussia. At the time when this could have happened, Vergennes was already dead, and the then prime-minister was of a different opinion from the minister for foreign affairs, from the minister of war, and even from Calonne, who was minister of finance.

After D'Ormesson, the fate of France brought into the situation which he had occupied a jovial spendthrift, who had learned in the management of his own property, which was considerable, though overwhelmed with debt, to raise money for the moment, without considering how to escape from the greater perplexity into which he was plunging himself. Charles Alexandre de Calonne succeeded D'Ormesson as comptroller-general of finance. Respecting his nomination to the office, there is no want of notices and anecdotes, which however, as well as much of the same kind, we pass over for brevity's sake, and because all this can be as well read in other books, and is not necessary to the principal purpose of our work. We refer therefore in the note to two works, in which everything about Calonne, which we either mention very briefly or not at all, will be found *in extenso*, and illustrated by documents\*.

\* The *first part* of Wachsmuth's 'History of France during the Revolutionary Age,' chap. iii., and the *second part* of the work mentioned in former notes, 'Geschichte der Staatsveränderung,' &c. In this work, in the fifth section, all the single notices are to be found which will here be omitted. We therefore also shall quote but little concerning Calonne's wanton extravagance, because everything which the author has collected on this subject is to be found in Wachsmuth, pp. 61 and 62, and particularly in notes 21 to 23. In the fifth section of the second work above-quoted, not only is a full account given of the so-called *Red Book*, that is, an account of all payments by the exchequer on the direct orders of Louis XV. and XVI., but of Calonne's steps and measures in general. The necklace affair has been as much shortened as possible, because Wachsmuth has dedicated the whole of the first appendix of his work to it, and has quoted the documents.

Calonne was the son of the first president of the parliament of Douai, and was himself destined for a parliamentary career. As parliamentary councillor, he had been as much beloved at court as he was hated by the parliaments since he had allowed himself to be made use of in the affair of the attorney-general, La Chalotais; and this it was which made every undertaking of his, as minister of finance, for which he required the assistance of the parliaments, exceedingly difficult. By favour at court, that is, with the queen, the princes and the friends of the queen, he was made minister of finance; and certainly no one could more easily find means of momentary relief than he could; he had moreover considerable talents, his words flowed in an easy and uninterrupted stream, and he wrote and spoke equally well. He was not only elegant, fashionable and gallant, and spent money like a great lord, but he might have made an excellent minister for France in our days: times were then however more serious, and it was not enough to be able to get on from one year to another. Calonne himself felt, and even expressed in his letters, that all the arrangements of the old times were rotten.

If more confidence could be placed in the letters which were printed in 1789 under his name than we would venture to place, although he never denied that they were genuine or required them to be suppressed, we should merely be able from these letters fully to characterize the man, the kind of talents he possessed, and his culpable levity in conducting the affairs of state. We shall however quote two passages from different letters; the one a short note which he wrote from Paris to the court at Versailles, just after calling the assembly of the notables, the other a longer letter, which he wrote to his brother from London at the time of the assembling of the *états généraux*. For our purpose it is not necessary to decide whether the letters are genuine or not; the passages are only intended to show how matters really stood, and how Calonne and those like him regarded and treated them. This is excellently explained in the passages which we shall subjoin; and whether they were written by Calonne or another is here a matter of no consequence\*. Calonne was undoubtedly a

\* The author, when he was in Paris in 1821, saw a collection of letters of various distinguished personages, printed in 1789 in Paris, and, as was said, also in London; and Calonne, who was then in London, and a few of whose letters appeared among the rest, made no objections to their genuineness. We were told indeed that he had acknowledged them to be his in 1794. The author

man born to be a minister and a diplomatist, and at the present day would excite the admiration of Europe in the French cabinet or chamber of deputies; at that time however, the time, the circumstances and the spirit of the age were unfavourable to the arts which he employed, and to the natural talents which he possessed. To prove this at large would carry us too far; we shall only show here how it might be proved, if requisite.

Calonne, in those projects which proved his ruin, united in a very skilful manner, everything that had been produced by others; he had the impudence to assume to himself the ideas of a Machault, Turgot and Necker, and to clothe them in language peculiarly his own, and without any regard to the facts that neither his situation, his morals, nor his manners and acquaintances were at all suitable to his becoming a reformer, when circumstances seemed to require it. He negotiated moreover,

wrote down some passages, but was not quite sure afterwards whether he might venture to use these printed letters as an authority. For the purpose alluded to in the text, he thinks however that he may venture to quote two passages, inasmuch as, whether genuine or not, they characterize the times and the man. Calonne writes to madame Jules de Polignac on the subject of the assembly of notables which he had just convened:—"Je sens parfaitement tout le ridicule de cette assemblée à laquelle j'ai donné lieu; mais les esprits fermentaient, et il fallait une égide respectable pour parer à tous les traits. Ils ne feront rien sans nous, et nous ferons tout sans eux. Ce sont de grands ressorts dont nous nous servirons pour faire jouer la grande machine. Que sa majesté ne tremble point à l'aspect de cet épouvantail formidable; il faudra moins de temps pour le détruire, qu'il n'en a fallu pour l'établir. Il faut fasciner les yeux du Français, et quand on sait bien lui offrir l'illusion, il croit tenir la vérité et il est content." From a long letter to his brother, the abbé de Calonne, which we copied, we shall also give a short passage; it is written at the time of Necker's assembly of the notables:—"Il n'y a," he writes, after proving that Necker must have failed, as he did fail, "absolument qu'une banqueroute qui puisse mettre l'état au niveau de ses affaires, et il ne s'agit pas de discuter, si ce parti est noble ou légitime, il suffit d'être persuadé qu'il est de nécessité. Je regarde la France comme un corps gangrené dans presque toutes ses parties; on craint d'opérer parcequ'il y a trop d'amputations à faire, le mal augmente et le corps périt lorsqu'on agit la guérison. Sois sûr, mon ami, que ce sera le résultat des états généraux. La puissance royale d'abord y perdra, les ministres y seront soupçonnés et point écoutés, et messieurs les députés des différentes provinces commenceront par frémir à l'aspect du gouffre qui va s'ouvrir à leurs yeux. Ils disputeront, analyseront, projeteront et ils finiront par désespérer du salut de la France. Ainsi l'état, sans éprouver un heureux changement, n'aura été que bouleversé," &c. &c. This may suffice from this long letter as a specimen of the wisdom of Calonne, and of people like him. In the same manner it was always asserted by him and Mallet du Pan and D'Ivernois, two Genevese doctrinaires, the latter of whom was knighted by Pitt, that Buonaparte would fail for want of money; nay, Calonne asserted the same thing concerning Pitt, and the other two repeated their assertion *regularly every year* when Buonaparte produced his budget.

during the period of the first and second national assemblies, in a manner remarkable in itself, and was further distinguished by intrigues and cabals with the cabinets of Berlin, Vienna, St. Petersburg and London, and admired by all public men and statesmen of the day for the productions of his pen. Whoever reads what he then wrote must admire his talents and his style, his clear explanation of difficult questions, and his vigorous exposition of dry subjects of finance, although he must despise the man. All those who at that time had not learned to know the actual necessities of the relations of citizens in the eighteenth century, considered what he proposed to the king in his two letters published in 1789, as a means of keeping up the monarchy, to be excellent. They considered his ingeniously-imagined and very well-written treatises, which he published during the first period of the directory, after the national convention had given place to the directory, as irrefutable.

It was precisely these trifling gifts, these sophistical talents, and these useless capacities, which are now prized before all others, and the high favour which Calonne enjoyed from the princes at that frivolous and extravagant, but tolerably moral court, which caused him to be hated by the people. The old lawyers and jansenists in parliament, and the parliamentary families (the *noblesse de robe*) never forgave him for having allowed himself to be made use of by the duc d'Aiguillon against La Chalotais, and for having accepted the office of *procureur-général* in the tribunal which had been appointed in an unconstitutional manner to try the cause. On the occasion of the trial of La Chalotais, Calonne had proved himself to be a man who was willing to serve the government in every possible way, and had shown at the same time that he could as easily rid himself of any positive perplexity as of any scruples of conscience. At first he had advanced with great zeal, and had even communicated to the minister of justice a letter of M. de Chalotais, which properly did not belong to the necessary documents; when he perceived however that matters were changed, he very cleverly altered his course, for he saw that it had not been found advisable to hurry on the affair so eagerly as at first.

The nomination of a man of the time of Louis XV., who belonged to the school of the duc d'Aiguillon and his *roués*, to the office which had been filled by Turgot and Necker, injured the king, notwithstanding all his good and benevolent measures, par-



ticularly because it was now evident that nothing decided was to be expected from a king who was continually passing from one extreme to the other, and who was merely an instrument in the hands of his wife, his brothers and his court. He had always hesitated between the old forms and the new since his accession to the throne and Turgot's ministry; at one time he yielded to the spirit of the times, at another directly opposed it. Necker's ministry and the nomination of Calonne offered a contrast, which was only to be explained by want of judgement and character. This hesitation continued till 1792, and gave the victory to those who had remained consistent.

The only reproach which we can reasonably make against madame Jules de Polignac or the queen, or even the princes, who were said to have recommended Calonne, is, that they wished by his means to replace upon the throne the old times, with their customs and manners; this would have been exactly *their time and their form of government*; the king, on the other hand, who really wished for a reform, ought to have opposed them more firmly. He was however but a reed, driven to and fro by the wind. Those who recommended Calonne might have justly urged, that he was not only a good lawyer and speaker, and a skilful and well-practised political writer, but also a man of business, well accustomed to administer funds. He had been intendant of the district of Lisle, as Turgot had been of Limoges, had passed through some of the higher offices in which legal knowledge was required, and had even been actively employed in the council of state. He was moreover the better of the two candidates of the old system, who had been recommended to the weak king by the incorrigibles at court. These were the people who, during the revolution, were exclusively called '*le cour,*' and were considered as enemies of the king and of the nation, because they compelled the former when he had taken one step forwards to take three back, and caused him to consider every oath he had taken as having the '*reservatio mentalis*' annexed. The other candidate, besides Calonne, was Foulon, the '*enemy of the people,*' whose hard-heartedness was proverbial, and whom the populace hung upon a lamp-post in 1789, in consequence of an aristocratic remark which he had either made himself, or which sufficiently expressed his character and feelings to make it probable that he had done so.

We must leave our readers to study the several steps of the

new comptroller in the German works mentioned in a former note ; it will be sufficient for our purpose, if we briefly mention the results of the new administration. In the first place, Calonne raised the credit of the royal exchequer, by punctually paying all demands on the day they became due ; but this he was only enabled to do by raising loans on the most unfavourable conditions, in order to pay the interest of the former loans, and therefore of necessity was soon brought to the point at which he arrived in 1787. In these four years he had raised six hundred millions, either by new loans or by calling in debts before they became due, and had besides increased the revenue one hundred millions by all manner of secret and improper *coups-de-force* ; and yet the confusion had increased with every year, and the deficit become greater. All this obliged the minister of finance to take such steps as should serve to give the appearance of justice to new oppressions.

The employment of the borrowed sums, and the want of principle and conscience of the minister of finance, which rendered it advisable for him to escape from an impending trial by flight, were such as even to shock those to whom he threw the money by handfuls when they eagerly pressed round him. We do not believe that the comte de Provence (Louis XVIII.) said what he has been accused of saying, although it is very well to be reconciled with his character, viz. that when every one held their hands to Calonne for him to fill them, he held out his hat. The comte d'Artois (Charles X.) had been a spendthrift from his youth up ; in 1781 a million and a half livres had been paid for his debts, in 1782 four millions, and in 1783 Calonne paid two millions more ; and yet it was computed that the two princes together had debts to the amount of fourteen millions still owing. Calonne preached the theory, which is being now freshly dished up in France, that a monarchy requires splendour, luxury and extravagance, and that in the present state of civilization splendour is advantageous, not to say necessary, to industry and the arts. In this way, and by favouring the royal buildings and fêtes, he rendered himself no less agreeable to the queen than to the princes.

He procured money in order that the king might buy the castle of Rambouillet in addition to all the other royal castles, and paid a sum of money out of the exchequer to gratify a

whim of the queen's, who wished to possess and beautify St. Cloud. At the same time he procured her the means of enriching her favourites without causing any remarks. Under the pretext that it would be advantageous in a financial point of view, he expended a sum of twenty millions in purchasing domains; it was proved afterwards, however, that these domains had passed into the hands of the favoured families under the appearance of a sale or exchange, but that the sums appointed to be paid on the transactions never had been paid. At that time all this was laid to the blame of the queen, and her imprudence in the choice of her company and of her friends of both sexes was converted into a crime by the envy and jealousy of the rest of the nobility. It was a fixed opinion at court, that certain families had an exclusive right to certain places of honour and to access to the royal society; the queen therefore, pure as her conversation was, became first the victim of the high court-nobility and afterwards of the democratic populace.

The same portion of the nobility which was already offended with the queen on grounds of etiquette, considered itself mortally insulted in 1785 by an insult offered to a member of the family of Rohan, which was nearly connected with the royal house. On this occasion the parliament, which was very hostilely inclined towards the court, made use of the trial of cardinal Rohan to cause the queen's character to be suspected throughout all Europe. The family which considered itself insulted was the more dangerous, inasmuch as its principal members bade defiance to public opinion, to the laws of honour, and to all honest principles. A prince of this family (De Guémenée) had become bankrupt in such a disgraceful manner, as to plunge numerous families into ruin; the prince de Rohan, cardinal and bishop of Strasburg, and as such a German prince of the empire, entered into connexion with cheats and adventurers of both sexes, in order to assuage the anger of the queen and to regain her favour. Rohan had long sought for her favour in vain, and despising no means that might lead to such an end, he became entangled in such an incomprehensible manner in the net of an adventuress, that the public never could be convinced that the queen herself had not given occasion to the confusion of the *necklace affair*. We believe she was quite innocent; it is said however, that even her nephew, the emperor Francis, who was not exactly

distinguished for ingenuity, considered her to have been guilty of some imprudence. The facts of the *necklace* affair, so important to the fate of the unhappy queen, are as follows:—

The frivolous and extravagant Rohan had been sent to Vienna in January 1772, where he soon completely ruined himself by an unheard-of expenditure, and by the display of an incomprehensible magnificence immediately on his arrival in that city. A prince, who was outwardly at least one of the lords spiritual, and who at the same time led a life like that of Rohan, must of necessity be displeasing to the empress Maria Theresa, who was in every respect the model of a German wife; and she did not fail to show her displeasure. He however took his revenge. He was enabled, as is always the case, to find out all diplomatic secrets the more easily the more he was connected with the worst characters and the more extravagant he was; he thus became acquainted with some secrets relative to the first partition of Poland. Maria Theresa had deceived the French by the protestations of her disinclination to this partition; she even shed tears at being obliged to take part in it against her will; these protestations were ridiculed by Rohan in an official letter with that sharpness of satire peculiar to persons like himself, and which constitutes in fact the whole of their powers of amusing. He wrote a clever and sarcastic letter on the subject of the empress's power of dissimulation, which had become a second nature with her, and of her power of laughing and weeping at pleasure, without either being seriously meant. The duc d'Aiguillon, to whom, as minister for foreign affairs, the letter was directed, brought it, as he was accustomed to do with such communications, to madame du Barry, who in her way very soon made it public. The future queen learned this afterwards, believed that Rohan had written the letter originally to madame du Barry, and never forgave him for having made her mother an object of contempt and ridicule to a woman in such a position.

It may be supposed that Rohan might have contrived to exist without the queen's favour, for he had immense revenues and was the first dignitary of the kingdom. He was a cardinal, bishop of Strasburg, and as such a prince of the German empire, with a palace at Ettenheim; he was grand-almoner of France, president of the Sorbonne, and governor of the institution for the blind (*proviseur de Sorbonne et administrateur des*



*quinze vingts*). All this was of no value without court favour. Such were the times then, and such they seem likely again to become ! The queen's love of dress and her childish levity seemed at length to offer the cardinal the opportunity he had so long desired of regaining her favour. He found it easily credible and quite suitable to her character, that she was sorry to be obliged to refuse a necklace of brilliants, unique in its way, which had been offered to her by the court-jewellers, Böhmer and Bassange, for 1,600,000 livres, on account of the low state of the exchequer. Cheats and adventurers afterwards made use of the cardinal as an instrument for deceiving the jewellers.

A principal part in this scene of mystification and cheating was played by a Sicilian afterwards celebrated throughout all Europe, who perfectly well understood how to make use of freemasonry and other pretended orders which were supported by the mysticism and love of secrecy shown by the king of Prussia. This man was Joseph Balsamo, who, being born in Palermo in the year 1743, made an immense sensation in Germany and France in the ninth decennium of the eighteenth century, under the name of count Alexander Cagliostro, until he was finally unmasked in Rome.

The only account we have of his life, till the time when the inquisition received him in their claws, rests on the report of his tormentors in Rome, whose judgement is not and cannot be entitled to much weight ; the facts stated by them are however proved and undeniable\*. Nature had evidently intended him

\* The report of the inquisition upon the trial and confessions of Cagliostro was published in Italian, and a German translation of it appeared in 1791. Zurich : Orell, Gessner, Füssli and Co. The title of the book is, 'Life and Actions of Joseph Balsamo, called Count Cagliostro : with an Appendix on the Formation and Condition of the Sects of Freemasons. Taken from the records of his trial in Rome in 1790, and translated from the Italian original, printed in the papal printing-office.' The translator, in his preface, has characterized the manner of inquiring, judging and condemning in Rome in such language, that we shall copy it as characteristic of the official protestant pietists, and of the catholic zealots for Rome, whose number is now legion. "The author," he says, "or rather the holy inquisition in Rome, manifestly injured itself in the eyes of all intelligent men, by treating a public cheat and deceiver, as Cagliostro was, in such a critical and severe manner with respect to his errors in belief, and by the contemptuous looks cast now and then upon so-called heretics. For Cagliostro would have been no less a cheat if he had continually observed all the commandments of the Romish church ; but by the way in which he was treated by the inquisition, he came to be considered partly as a martyr to bigotry, and was consequently by no means so much detested as he really deserved to be."

for a cheat and quack doctor, for in his thirteenth year he went to an apothecary and learned something of chemistry and medicine, and a couple of years later was wandering about Palermo and Messina as a cheat and adventurer. He was obliged to retire from Messina, and went to Rhodes and Alexandria, and finally to Malta, always in the same capacity. From Malta he proceeded to Naples and Rome, but found that there was no resting-place for him there, any more than in Madrid and Lisbon, which he afterwards tried. He next went to Paris, where he remained some time, and in the course of the years 1771–1772, resided some time in London. He could not attain the necessary celebrity either in the Hague or in Venice, where he was for a short period, but he succeeded entirely in Courland. He there performed miraculous cures, was looked upon as the high-priest of the old Egyptian secrets, as a maker of gold, and called the *divine* Cagliostro.

From the time in which he resided at Mittau, from which he made a short journey to Petersburg, Cagliostro played the part of a great lord and a miracle-worker, and contrived to cover his enormous expenses by all kinds of swindling, whilst every one believed him to possess the power of making gold. His passage from Courland through Saxony to Frankfort on the Maine resembled the triumphal progress of a conquering emperor, or the journey of a long-expected Messiah. He performed miracles everywhere, healed the sick, and recalled the dead to life, in order to give answers to those that asked questions of them; and those who did not believe in his miracles were at least astonished by his triumphal entry and his expense.

He always travelled post, and with a very numerous retinue; he had couriers, running footmen, chamberlains, and numerous servants in superb liveries. A single suit of livery, which was made in Paris, cost a couple of hundred florins. His rooms at Paris, furnished in the first style of elegance, his dress and that of his wife, but particularly his magnanimity and generosity, astonished every one.

He cured the poor, who congregated about him by hundreds, gratis, and made them presents besides, and often refused the presents which his clients and admirers made him. On the other hand, whenever he affected melancholy or appeared dis-

turbed, his wife had to give his noble clients a hint of some money not having arrived, or some other unpleasant circumstance, so that she obtained for him what his pretended delicacy despised.

Cagliostro played a part in Frankfort quite as distinguished as those he had performed in the other cities through which he had passed; and persons who were witnesses of the confusion which the passage of the impostor caused, have related to the author facts hardly credible respecting the eagerness of the citizens and the manner in which they, at other times so business-like, were deceived. In Strasburg it was still worse; here Cagliostro made his first acquaintance with cardinal Rohan, which he afterwards renewed in Paris. The rejoicings and enthusiasm with which he was received in Strasburg, where somnambulism and magnetism were then quite matters of course, and where the principal stronghold of the secret societies, such as free-masons, &c. was, resembled a temporary madness. The street where he lived was crowded, as it had been in Frankfort, and the most celebrated characters came from great distances to see him. In Strasburg he was principally engaged with the secret societies and the secret arts connected with them: whither he went next, and what brought him to Italy and especially to Naples, we are unable to decide; but it is certain that he then went first to Bordeaux and from thence to Paris.

In Paris Cagliostro renewed his acquaintance with cardinal Rohan, whom he had cheated of money and jewels in Strasburg, and whom he had imposed upon by his lies about magic, alchemy and the raising of spirits; the cardinal wished to make use of his magic arts on the present occasion to recover the favour of the queen. The more effectually to deceive the cardinal, Cagliostro connected himself with an adventuress, who in 1785, when he made her acquaintance, was acting the part of a princess of the blood royal with the same impudence with which he represented himself as a count, or an Egyptian priest of the most ancient times. This woman, who boasted that she was intimately acquainted with the queen, and that she could help the cardinal to win her favour, was the daughter of a man of low rank who happened to bear the name of Valois, and who therefore asserted that he was a member of the royal house of that name. Some ladies of Paris believed her account and in-

terested themselves for her, and in her memoirs, or rather her libel on the queen, she has attempted to prove the story of her descent by a pedigree. She married a retired officer, who called himself count, but was entirely without property. This is not surprising, inasmuch as at that time in France, as at present in Italy, there were multitudes of counts and marquises whose possessions were only to be found in the moon. The adventuress, whom he had married, took the title after her marriage of countess La Motte Valois. She was made acquainted with Rohan by Cagliostro, undertook to convey secret messages from him to the queen, brought answers to them, carried notes, and persuaded a M. de Villette, an acquaintance of her husband's, to imitate the queen's hand-writing, and to sign the pretended answers from her to the cardinal's notes. In order to deceive the cardinal more certainly, Mademoiselle Oliva, a Paris cyprian of the better class, was brought to Versailles dressed like the queen, and conducted to the terrace of the castle in the twilight, to give the cardinal such marks of favour and good will as had been promised in the pretended letters of the queen. At last it was mentioned in the messages and notes, that the queen, who wished to buy the necklace from the court-jewellers, did not however wish openly to become the purchaser, but would pay the sum in instalments by the cardinal; and she begged the cardinal therefore in his own name, at the secret command of the queen, to buy the necklace.

The jewellers and bankers were not so credulous as the cardinal, and they did not dare to trust an article of such value in the hands of a gentleman who had to a certain extent at least no credit: they required therefore a written assurance from the queen that the cardinal was to buy the necklace for her; and this too was procured by the adventuress. The cardinal, who, blinded in a most extraordinary manner, had been cheated of considerable sums, which he had nominally lent the queen, received from the impostors a written power of attorney, signed by Villette with the queen's name, by which he was empowered to buy the necklace from Böhmer and Bassange for the queen. He received at the same time a contract signed with the queen's name, after each separate article of which the word *approuvé* was written, in which the periods were stated at which she would cause the sums to be paid by the cardinal. This power of attorney was given by the cardinal to the jewellers, who on recei-



ving it placed the necklace in his hands: but it has always remained a mystery to us, that neither the cardinal nor the house of Böhmer and Bassange should have taken more pains to ascertain the correctness of the queen's signature; especially as she was not accustomed to subscribe her name, and in fact ought not, in the manner there subscribed (*Marie Antoinette de France*).

The cardinal delivered the necklace to the woman *La Motte*, who sent her husband with it to England to dispose of the stones singly, whilst she made the cardinal believe she had conveyed it to the queen. She contrived to keep up the deception until the jewellers insisted on payment and applied to the queen herself. Böhmer and Bassange at last showed the queen the power of attorney given by her to the cardinal, and the contract, and declared that they should certainly be bankrupt, if the payments were not made at the appointed times.

The queen was greatly affected on hearing this, threw all the blame on the cardinal, as she did not understand the connexion of the affair, and communicated her passion to the king, who sent for the cardinal into his cabinet, where he appeared in full dress and in all the pomp of grand-almoner of France, at Versailles, on Assumption-day (Aug. 15) 1785. When the cardinal, confiding on the letters which he considered to be genuine, insisted that he had been commissioned by the queen, the king, notwithstanding all entreaties and representations, caused him to be conveyed to prison as he was, and a prosecution to be begun against him before parliament. *Oliva*, who had by her gestures and in her dress represented the queen, *Villette*, *Cagliostro*, and *La Motte* were also arrested; but *Rohan's* vicar-general, the abbé *Georgel*, had, in consequence of a German note received from him, destroyed his correspondence with *La Motte* before the seizure of his papers. By this means the lawyers were enabled to make it appear doubtful whether the queen or the adventuress had given the cardinal the pretext and occasion to commit the theft.

However little we can believe that the queen was at all concerned in the affair, the king behaved at least hastily, violently and imprudently, in causing the arrest of the cardinal. According to the more exact accounts of particulars which we pass over here, *madame de Campan*, as confidential attendant of the queen, and even the queen herself, neglected the first hints that they received of the affair in an exceedingly impru-

dent manner, instead of immediately inquiring into the matter ; and this placed them in a false point of view afterwards. The baron de Breteuil, as minister of the royal palace, behaved also in an unskilful manner. All this was maliciously turned to account by the very numerous enemies of the queen, particularly in parliament, and in innumerable lampoons. The king and queen were made to appear in fault, in order that the cardinal might appear in the light of a martyr. The event of the trial remained long doubtful, inasmuch as the family of Rohan and the court exerted themselves to the utmost, the former to throw the blame on the queen, the latter to cause Rohan to be found guilty. The sentence was such, that although nothing could be concluded from it against the queen, a silent suspicion remained behind, because, to the great dissatisfaction of the king, the cardinal was acquitted, after a trial which lasted until the 16th of August 1786.

The parliament, in its sentence of the 8th of May 1786 on the other defendants, found La Motte and her husband guilty, and condemned them to disgraceful punishments. La Motte escaped afterwards, and wrote in England those shameful memoirs which the French government bought up, and thus increased their credit, inasmuch as the public in all countries, as is well known, is most interested in the coolest and most notorious falsehoods. Cagliostro was acquitted, but was banished from France\* ; Villette was also obliged to leave the country ; Oliva was allowed to escape, probably out of spite against the queen. The king, as all weak men are accustomed to do when once embittered, increased the bad impression which had been

\* The Parisians were undoubtedly never more free from superstition and mysticism than at this period ; the lawyers and statesmen of France were never richer in real true political wisdom, or more liberal in their views, more eloquent in their explanations of human relations, as the decrees of the constitutive assembly sufficiently prove ; and yet a part of Cagliostro's written defence, read before parliament, and in which even D'Epresmenil is said to have taken part, states word for word, that Cagliostro was " le fils d'un grand maître de l'ordre de Malte, mystérieusement élevé à la Mecque, à Médine. Voyageur dès sa plus tendre jeunesse, c'était dans les pyramides d'Egypte qu'il avait appris les sciences occultes de l'Orient. Son gouverneur, le sage Althotas, qui lui avait donné tout ce savoir, était chrétien et de plus chevalier de l'ordre de Malte ; mais il avait l'habitude de se déguiser et de faire déguiser son élève en musulman. Des grands honneurs avaient été rendus au comte de Cagliostro dans l'île de Malte. Parvenu à la maturité de la raison et de son génie, il avait voyagé en Europe. Médecin et prophète, doué du pouvoir d'évoquer les ombres, il s'était annoncé partout comme l'ami des hommes ; c'était le surnom qui lui avait donné la reconnaissance."

already made by the story related in several different ways, and by the despotic manner in which he treated the cardinal after his acquittal by his judges. This appeared the more absurd and impotent a revenge, as the cardinal, by his ecclesiastical dignities and his church revenues, was entirely out of the king's reach. Four hours after the cardinal had been set free from the Bastille, the king dismissed him from his posts as grand-almoner of France, as governor of the Sorbonne and administrator of the institution for the blind, caused him to give up his order of the Holy Ghost, and ordered him to retire to his abbey of Chaise Dieu in Auvergne. How powerless all this was, and how unsettled the king was in his opinions, may be seen from the fact, that three years afterwards the whole thing was forgotten, and the cardinal took his place in the parliament of the kingdom among the lords spiritual of the country.

These absurdities would have been of no consequence at any other time; but at the period we speak of they were of great importance, inasmuch as the king immediately afterwards, in the assembly of the notables, had occasion for the assistance of the nobles and the clergy, all of whom regarded Rohan's affair as their own, against the parliaments, with whom he had quarrelled in consequence of Calonne. Calonne had urged the king to a step against Necker two years before, at least as despotic, as powerless and ineffectual as the banishment of the cardinal. In 1784, Necker had published his work on the finances of France (*Traité de l'Administration des Finances*), which is not however to be confounded with his treatise on his own administration, which appeared in 1791 (*Sur l'Administration de M. Necker, par lui-même*), as a short review of the state of the finances of the empire. He had caused this work to be printed at the same time in Lyons and in Lausanne, on the supposition that it would not be allowed to be printed in France, or would be at least forbidden in that country, where Calonne was alone to be allowed to speak royally and officially, in order that he might be always right. What Necker had expected actually happened; the king was made the instrument of his minister. Necker's book, in which he explained his system, and clearly showed the absurdity of Calonne's principles, was forbidden; the Lausanne edition however, in spite of this, because it was the fashion in Paris to talk of finances, had a circulation of at least 50,000 copies (madame de Staël says 80,000, but we de-

duct 30,000 for exaggeration), although Calonne wrote a long answer to it. The book was soon in everybody's hands; its appearance therefore was very unseasonable for the minister of finance, who was just about to deceive the world by new delusions and falsehood, and by a theory disgraceful in itself, but proposed with cunning eloquence. Calonne was endeavouring at the time to raise new loans by means of the dust to be thrown in the eyes of the public, which Necker had however dissipated. The king caused Necker to be informed that he could not suffer him in Paris for fear of his leading the bankers astray; but as they had at any rate no confidence in Calonne, this proceeding on the king's part was entirely useless.

Necker's exclusion from Paris caused him to be regarded as a sort of martyr, as Rohan was afterwards considered, and pilgrimages were made to visit him and to hear his oracles; his forbidden book, full of numbers and accounts, was in the hands of every one, not merely of those who understood anything of the subject, but also of ladies and courtiers. It became afterwards the manual of all the gentlemen who took part in the sittings and debates of the notables. The minister of finance, who was always rich in resources, either really believed that he could only effect the improvements and changes of which he spoke, by the authority of the assembled aristocracy of the kingdom, since he did not venture to submit any more loans to the parliaments; or, as is more probable, he was only trying the effect of a new piece of acting. He advised the king to submit the question of the bad state of the finances to a great council, such as had been sometimes made use of in the seventeenth century. Since it had not been considered advisable, after the last meeting of the estates-general in 1614, to summon a new one, and the ministers were afraid of the obstinacy of the parliaments, it had been customary to give force to the ministerial decrees by means of the votes of certain assemblies composed of the higher civil officers, clergymen, dignitaries and representatives from the towns and provincial parliaments, and called assemblies of the notables, which had however neither a legislative nor an executive power. The assembly of the notables must have appeared, to such of the people as considered these matters, merely as a body collected with great show and pomp for the further oppression of the already too-much-oppressed classes.

It caused considerable astonishment therefore when Calonne,



at a period of universal excitement among all ranks and in all parts of the kingdom, took a step which could be productive of no good, inasmuch as it was not to be expected that the privileged classes who formed this assembly would undertake to cover the deficit in the revenue out of their own property, which however would have been the best thing they could have done even for themselves. The disadvantage of the step was apparent to every one; it was this,—that by the uselessness of this assembly, formed after the model of the assembly of notables of 1616, the nation would necessarily come upon the idea of demanding a meeting of the estates-general like that of 1614, which, after the plain confessions of the king and his ministers Turgot, Necker and Calonne, that the kingdom required thorough changes, would as necessarily bring on a revolution. We shall see presently that several among the notables clearly felt this, and that La Fayette said so openly and plainly.

The king was by no means favourable to the plan of the comptroller-general, and it was only with considerable trouble that he was brought to consent to it; the baron de Breteuil was of the same opinion as the king: he and the other two ministers therefore were left in ignorance on the subject, until Vergennes, Calonne and Miroménil had found an opportunity of surprising the king alone, and getting his consent to the measure.

It is difficult to conceive how such a step could be taken as the summoning of the assembly of the notables by royal decree towards the end of December 1786, at such a time, in such a universal tumult of men's minds, and when the whole machine of state was as it were lamed by the situation of the finances. We learn however from Calonne's letters, that he believed the matter would end in a sort of comedy, such as have occasionally succeeded with the doctrinaires in their ministries; Calonne however was very much deceived. This assembly, which was to advise the king how to bring the still existing forms and regulations of the middle ages into unison with the new necessities and condition of the nation, consisted entirely of such persons as alone, since the time of king Henry IV. and cardinal Richelieu, had shared among themselves all the honours and all the advantages of the state. What was to be gained from such an assembly without power? according to the decree of the 30th of December 1786, the notables were summoned in exactly the same manner as they had been under cardinal Richelieu in 1616.

At the same time, Calonne had the impudence to present himself to the nation as a reformer and a man inclined to follow in the steps of Necker. He published a manifesto to the effect that these notables, that is, exactly the privileged classes, would introduce various improvements particularly disagreeable to all in any way privileged. This was a kind of mockery, for he knew quite well that an assembly such as that of the notables, which we describe in the note, could never enter into these questions\*. The notables were therefore very much offended with the comptroller-general, even before they began their sittings, for affecting to play the liberal, and increasing the hatred of the people against the privileged classes, which was already dreadful. Calonne declared that his object in calling together the notables was, to organize the universally demanded provincial assemblies, to extend the land-tax to all landed property, without respect to the persons of its possessors, to alleviate for the lower classes the tax of the *taille*, which had become very oppressive in consequence of its continual increase, and finally to free the corn-trade in the interior from every hinderance. He promised at the same time to do away with the remains of the feudal service required from the peasantry, and to impose a fixed tax instead†. All this was exceedingly necessary, but no one had any confidence in the minister of finance, or believed that either he or the court would do anything good. Besides this,

\* The persons summoned to this assembly were,—seven royal princes, three spiritual peers and thirty-six temporal ones, twelve members of the royal council. These were the representatives of the king and the higher nobility. The clergy was represented by eleven prelates; the parliaments by thirty-three presidents and *procureurs-généraux*, to whom we must also reckon four presidents and the *procureur-général* of the *cour des comptes*, and the *lieutenant civil de Paris*, as the defenders of all historical jurisprudence and of all antiquated forms. The old feudal parliaments were represented by twelve deputies of those provinces and counties which possessed the right of being represented; among these twelve, five were clergymen. Then came twenty-five burgo-masters from the aristocratic families, who governed the cities in France, as is the case in Germany, in Holland, and in Switzerland. It was computed, that among the 137 notables, only *eight* were not noble, and these were such as were endeavouring to be ennobled. In addition to these were five ministers, namely maréchal de Ségur, minister at war; comte de la Luzerne, minister of marine; count Montmorin, minister for foreign affairs; baron de Breteuil, minister of the royal house; Miroménil, minister of justice; and Calonne, comptroller-general. The names of the 137 and their division into committees are to be found in Lacretelle.

† Any one who pleases can read the substance of Calonne's rhodomontades in Lacretelle, vol. vi. page 130 to 138. In p. 152 *et seq.* the most important points of his speech at the first meeting of the notables are to be found.

they would not understand the best points; they haggled and quarrelled about the person instead of merely attending to the subject.

Calonne, the court, the princes, and even the queen, certainly behaved in a very imprudent manner at such an important moment as that of the first assembling of the notables on the 22nd of February 1787. Not only was the honour and honesty of the minister of finance doubtful, but, as was shown after his flight, he was guilty of gross breaches of faith, lived disreputably, and spent enormous sums of money. At court all sorts of favourites and loose characters were enriched at the expense of a state which had declared itself unable to avoid bankruptcy, except by dangerous innovations. The queen spent more on her childish love of trifles than really solid magnificence would have required; and the princes spent on a splendid stud, on racers and bets at races, on hunting parties and hunting seats, and on expensive amours, the sums which had been generously given them to pay their debts. The fêtes at Versailles were never more splendid, more frequent, more tasteful, or more expensive, than just at this time, and many a man ruined himself and his family at the gaming-table in the society of the queen\*. Members of the parliaments, of the feudal representative assemblies, and burgomasters of towns, composed the majority among the notables, and it was not to be wondered at in such people, if, when called upon to change the old arrangements, they replied: "Even if we believed, which we do not, that reforms may be necessary, Calonne and his comrades are not the people to propose such reforms."

Besides this, the minister of finance committed a gross fault in his opening speech. He was not contented with saying that the deficit in the exchequer amounted to 112,000,000 of livres annually, and with calling upon the assembly to take such new steps as might increase the revenue to this extent, but he had

\* We learn this from one of those impudent eulogists of the times of the *roués* and of courtly elegance, who are now appearing everywhere, and who, supported by the governments, deceive the rich with their smooth language. The genuinely catholic, but in every sense frivolous marquis de Custine says in his book, '*La Russie en 1839*' (Paris 1843), vol. i. p. 35, of his grandfather (and intended as a compliment): "*Peu d'années auparavant il avait perdu dans un hiver trois cent mille francs au jeu de la reine à Versailles.*" The old faquin adds: "*Dans ce temps-là Marie Antoinette, brillante, enviée, fut adorée par mon grandpère comme par toute la cour,*" i. e. by all those whose opinions were such as he expresses in the fourth volume of '*La Russie.*'

the impudence to assert that this deficit had remained the same since the time of Necker's ministry. The falsehood of the statement was apparent, as every one knew that loans had been made since that time; Calonne therefore only unnecessarily irritated Necker and his whole party, which at that time set the fashion in Paris, by indirectly accusing his '*compte rendu*,' which gave another result, of deceit and falsehood.

Necker was indeed not in Paris, but his friends were highly indignant at the subject of this offensive speech. All the courtiers, and in fact the great majority of this conservative assembly, raved against the proposed innovations, as well as about the violent attack upon the abuse of privileges which the speech contained. Necker did not fail to add fuel to the fire; he justified his '*compte rendu*' in a small hastily-written pamphlet (*Réponse au Discours prononcé par M. de Calonne à l'Assemblée des Notables*), and at the same time exposed Calonne's barefaced lies and doctrinaire sophistry. The minister of finance was represented to the notables and to the whole world as an assuming quack, who was playing a dangerous game with the French empire. Calonne had at that time the court, that is, those persons whose smooth and superficial chatter drove the king from one side to the other, on his side, and Louis XVI. banished Necker for his answer to Calonne's attack. He proved clearly by this means that his favour was not to be desired nor his displeasure feared, and that no confidence was to be reposed in his severity, nor any hopes grounded on his kindness. This was further confirmed, when a few months afterwards, the same Necker who had been banished was placed again at the head of affairs as the only person capable of saving the state. We may here give an example of the neat and elegant language of the saloons, which was the only one spoken in the diplomatic circles, the members of which believe themselves able to judge of everything without any previous study, and which was the only language the king heard. For this purpose we shall quote in the note the words of the Swiss of Cythera, in which he mentions with praise all the excellences of Calonne, in order that the reader may see how many things sound well when told, which are in fact, when more nearly observed, the very contrary\*. It is true, this passage must

\* Immediately after the first few meetings, the minister of justice and the parliamentary presidents intrigued *against* the minister of finance, the women and the court *for* him. We have a description of this, which is painfully ex-



be read in its whole connexion, and a man must have a sense of order, justice, administration, and serious manliness, to be able to judge in what a thoroughly contemptible manner the most important business was conducted in France under the old school, where people discussed and intrigued about it in the same way as about a court ceremony, a ball or an opera.

The gentlemen of the old school, particularly the lawyers, that is, the presidents of parliaments and the *procureurs-généraux*, had been opposed to every change from the very beginning, and, under the protection of the minister of justice, formally conspired against everything that the minister of finance proposed in the name of the king. A long course of cabals and intrigues commenced, an account of which is to be found in any of the numerous, and in part apocryphal memoirs of the time, but which we cannot incorporate in a general history. We only

act, by the Swiss of Cythera, who was here exactly in his element. He acts the mediator: he, Vaudreuil and madame de Polignac arrange the matter among them, and admire Calonne's impudence and talents as a lawyer as virtues! But as soon as Calonne endeavours to raise the veil, the matter is over! Bezenval's chatter, his loudly-expressed admiration of second-rate acquisitions, his complaints of Calonne's want of the diplomatic skill necessary to keep people in a good humour, may very well be taken as the standard of those circles of which he was the oracle. *Mémoires de M. le Baron de Bézénval*: Paris, 1805, vol. iii. p. 195: "Les notables ayant demandé quelques éclaircissements, M. de Calonne voulut les donner lui-même, et l'on indiqua une assemblée chez Monsieur, où il se trouva, et où chaque bureau envoya des députés. Pendant près de cinq heures que dura la séance, M. de Calonne fut en butte à tout ce que la mauvaise volonté, l'humeur, la grossièreté même, purent suggérer, sans qu'il sortît un instant du calme et de la modération la plus parfaite ni que des questions tumultueusement faites, et qui souvent se croisoient, sans donner le temps de la réponse, embrouillassent la clarté de ses répliques, il revint même à des matières que des questions nouvelles avaient interrompues, auxquelles il répondait sur le champ, et reprenait en suite ces matières à l'endroit où il les avait laissées, ne laissant rien à désirer sur aucun des objets qu'il était obligé de traiter. En un mot, les gens les plus acharnés contre lui, furent contraints de convenir que jamais homme n'avait montré autant d'éloquence, de présence d'esprit, ni de sagesse. Et cette épreuve à laquelle beaucoup de gens, même très capables, auraient peut-être succombé, fut un vrai triomphe pour lui. Je n'étais point ami de M. de Calonne, je le connaissais comme on connaît les gens en place. Intimement lié avec M. de Vaudreuil et la duchesse de Polignac, il venait très souvent chez elle, et c'était là que je jouissais de ses formes séduisantes, de la gaîté, de l'agrément de son esprit, ce qui ne m'avait donné de lui que l'opinion d'un homme infiniment aimable. Mais j'en pris une toute autre idée, lorsque je vis la grandeur du plan qu'il avait conçu et le courage avec lequel il en poursuivoit l'exécution; et j'avoue que la chose et la manière dont il se présentait, non seulement m'intéressèrent pour lui, mais me firent encore son défenseur. J'étais éloigné de prévoir, qu'un homme qui avait eu des pensées aussi fortes, échouerait par sa légèreté (and yet what was all that Bezenval praised in him except this?) et par son inconduite!"

remark here therefore, that Calonne finally determined to appeal to the public, and by this means ruined all, because those with whom he had to do feared light more than anything else. Calonne saw that cabals were going on against him; he found himself badly supported by those who had profited by his extravagance; the king not only listened with attention to the representations made to him by the privileged classes against the proposed innovations, but even encouraged such representations; the minister endeavoured therefore to terrify his opponents by public opinion.

As long as the minister considered it possible for him to attain his object, and to continue in his place by means of the privileged classes, the public heard nothing of what was going on in the assembly of the notables; it was neither known what had been proposed there in the king's name, nor what had been determined on by the committees. Suddenly however, when Calonne observed that he was to be got rid of, he caused a pamphlet to be printed, containing an account of all the liberal measures which had been proposed, and which had been rejected by the chamber. He himself added notes to it, to the effect that the notables alone must bear all the blame if the people obtained no redress. This justification of the government against the notables was even sent to the clergy, to be communicated by them to their congregations. By this step war was declared and the revolution begun, because the notables as well as the king found it advisable to appeal to public opinion in their favour, and to endeavour to turn away from themselves the appearance of an inexorable aristocratic feeling, and a conservative English severity. By this, they at the same time acknowledged tacitly, that the government of police, bastilles, bayonets and absolute orders was at an end.

The several committees (*bureaux*) into which the notables had been divided, on hearing of the step which Calonne had taken, resolved to petition the king for leave to have their resolutions printed and distributed in the kingdom. They even wished, out of revenge, to cause the whole of the administration of the minister, who had now become hateful to them, to be submitted to a judicial trial. The opportunity was improved by Lafayette, who was at that time in the committee, the president of which was the comte d'Artois, to propose that two disgraceful transactions in the administration of the late comptroller, which had

been made to enrich certain gentlemen of the court, should be declared an unprincipled waste of the public property. This proposal, which was supported by the bishop of Langres, could not of course be listened to among people who had been themselves to a certain extent favoured in the same way by Calonne; and Lafayette had no doubt foreseen this: but he wished merely to hint that the reason of all the evil ought to be inquired into, and not merely speeches be made. The four speeches which Lafayette made in this assembly of the notables announced very clearly that a radical change in the constitution was necessary; and this assertion even escaped him once in answer to a question from the president of his bureau, the count d'Artois\*. As he was speaking in one of the fore-mentioned speeches of the estates-general, the prince asked him, if he actually demanded that they should proceed so far as this; to which he answered, "Yes, and still farther." The meeting of the 12th of March was a decisive one; the notables declared themselves opposed to every kind of equal land-tax (*imposition territoriale*) and against the speech of the minister of finance, in which he defended the principles he had proposed at that meeting.

The king behaved on this occasion in so weak a manner, that both parties, that of the reformers and that of the conservatives, could not fail to observe that he was only to be urged to any measure by a powerful opposition. He allowed the notables to tell him plainly that it had been an act of imprudence on his part to summon them, and suffer them to a certain extent to bring an accusation against the minister of finance. He thanked them politely for the good counsels they gave him, and yet continued to act as his minister had advised him; he hesitated long before dismissing him, and even after he had given him his dismissal received his advice in secret. The king was long uncertain whether to dismiss the keeper of the seals, who had always opposed him and the minister of finance, or the latter; he appeared even on the 8th of April to have decided in favour of Calonne, inasmuch as he dismissed Miroménil on that day; but

\* He was arguing against the caprice and the abuse of the power of the king and his ministers. The comte d'Artois considered that that was not the place for such discussions. Lafayette replied, that the notables were assembled for the purpose of telling the king the truth, and that he must therefore say what he thought. Even at that time he regularly proposed that the *lettres de cachet* and the state-prisons should be declared to be unconstitutional, and that the protestants should be reinstated in their civil rights.

on the 9th Calonne also received his dismissal. Calonne's system, which the king had adopted, was not entirely given up, but so falsified and mutilated that every one was now much more discontented than before, but in particular Necker's friends and the parliaments. The ministry of finance became again the subject of intrigues, and the king, who had no will or opinion of his own, at one time inclined to the advice of those who recommended to him the archbishop of Toulouse (afterwards of Sens) as Calonne's successor, at another time to those who required Necker's recall.

The archbishop, if he had been made comptroller-general, would necessarily, in consequence of his spiritual rank, have become the principal and leading minister; in order to gain time for intrigues therefore, a certain privy-councillor Fourqueux was named to the office as soon as Calonne had retired from court. This man was old and delicate, and had so little acquaintance with the important subjects of which he had to treat, that it was clear to everybody, his business was only to keep the place for some one else. On the 27th of April the king declared in favour of the archbishop; on the 1st of May the latter began to act as if he intended to become a cardinal Richelieu. He caused Villedeuil to be named comptroller-general, and assumed for himself the title of chief of the council of finance (*chef du conseil des finances*); on the 1st of August the king appointed him prime minister. Marshal Ségur and marshal de Castries refused to serve under him, and his ministry therefore consisted of his brother Brienne, who filled the office of minister of war; Lamoignon, minister of justice; Breteuil, who continued to occupy the chief post in the king's household; De la Luzerne, minister of marine, and Montmorin of foreign affairs.

Everything appeared as if the court was desirous of deceiving the notables, and they on their part of deluding the people by a trick. The notables insisted upon frugality and economy, and therefore a great noise was made respecting reductions in expenditure, which were to amount to several millions; by which however a number of persons who enjoyed the smallest salaries were to be cast breadless on the world, and a number of things were to be abolished, which only served to turn their whole scheme of economy into ridicule. At a later period, and precisely when no weakness should have been exhibited and no assailable part exposed, attempts were seriously made at ecoro-



mical reforms by vigorous retrenchments in the household and the sacrifice of luxuries; these designs however, which were announced by edicts, were never really carried out. In the same way as the court deluded the notables, and afterwards the parliaments, by pretending to pay attention to their recommendations and following their wishes, the notables on their part deluded the people by fine speeches, and by proposing changes, which in themselves were partly unimportant, and partly could have been easily effected by the ministry and parliament without the aid or co-operation of the notables.

The archbishop of Toulouse, who some months afterwards exchanged his see for that of Sens, regularly presided over the assemblies of the notables till the 25th of May. On that day he closed their sittings and ostentatiously announced their resolutions, which however it was very doubtful whether the parliament without further inquiry would register, or give to them the publicity and force of law. The archbishop wished to show himself to be a friend of Necker and of philanthropic administration, and with this view he announced the results of the deliberations of the notables at the conclusion of their sittings in an ostentatious and pompous address. The yearly deficit in the public accounts was by no means covered by the insignificant reductions which were projected, and the notables had discovered no new sources of income: the archbishop nevertheless pompously announced all sorts of undefined advantages, to result from the promises of the king, some changes in the mode of administration, and the abolition of the salt-tax; all these were conveyed in the most general terms, and the people were encouraged to console themselves with the hopes of the future. There were only six points which were to receive the validity of laws: 1. the institution of provincial assemblies for the equitable distribution of taxes; 2. the abolition of a great number of petty taxes, which, in addition to the taxes of the state, contributed greatly to oppress the common people; 3. the abolition of compulsory service; 4. the abolition of all internal tolls; 5. the erection of a royal court of exchequer; and 6. six millions were to be raised on annuities in order to meet the present exigencies. This sum however was far from being sufficient for the necessities of the public service, and the minister was therefore obliged to impose a new tax. It became absolutely necessary to resort to this step, inasmuch as loans could no longer be raised, and the assemblies of

the notables had rather contributed to weaken than to strengthen the public credit. He had recourse to a stamp-tax and to a species of ground-tax, which was called a *subvention*.

The memoirs of the statesmen of that period are unanimous in blaming the archbishop for not having brought under the immediate notice of parliament the whole of the six proposals sanctioned by the notables, and together with them his subvention or land-tax and stamp-duty, instead of leaving them time for consideration. We leave such points altogether undetermined, because it is wholly unimportant for our purpose still further to show in what way the king was brought to acknowledge the general estates and thereby to announce a revolution; and besides, we are desirous of avoiding mixing up what might or should have been done with that which really took place. The subvention, which affected property hitherto exempt from taxation, had been previously expressly rejected by the notables, and the archbishop endeavoured to secure the consent of the parliaments to the new taxes by first announcing to the people, by means of royal proclamation, the resolutions of the notables, which were regarded as benefits, in order that the parliament might fail in obtaining any support from the people if it should attempt to resist the land-tax from a feeling of self-interest.

On the 17th of June, the law (of 1774) respecting free trade in corn was renewed by royal ordinance; five days afterwards, provincial assemblies for the equal distribution of the taxes in the various districts were appointed; and on the 27th of June compulsory services were abolished and replaced by a fixed contribution in money. These were registered without any objection on the part of the parliament; but the mention of a (*subvention* or) land-tax caused the greatest excitement among the councilors of parliament, most of whom belonged to the class of great landed proprietors. The ministry however contrived to mitigate the resistance of parliament to a tax peculiarly hateful to its members, by contemporaneously submitting the stamp-tax for registration. The land-tax especially affected the nobles, the stamp-duty the whole community. As the dispute became warm, the people took part with the parliament, and greeted its most vehement speakers as friends of public liberty, to which they had no real claim.

The parliament availed itself of the moment in order to importune the king as well as to excite the people, and to insist upon the

necessity of calling an assembly, which was to consist of the most distinguished men of the court, landed proprietors and jurists, and to be regarded as an assembly of the estates. It refused to register the two taxes referred to till it had obtained such accounts and explanations as are usually given to the estates alone. The parliament required not only an account of the income, expenditure and annual deficit of the public treasury, but also some explanation with regard to the reductions which were promised in the royal administration. To this the minister could not consent without abandoning the real rights both of the king and the people and founding a parliamentary oligarchy. These circumstances led to a renewal of the ancient contest between the parliament and the king, which was carried on with as great bitterness as had been exhibited in the reign of Louis XV. in the case of the duc d'Aiguillon.

The demands of parliament made on the 6th of July were rejected on the 8th, on the ground that that body had exceeded its rights. The only reply which could be made on the part of parliament to this allegation was, that its interposition had been rendered absolutely necessary by neglect on the part of the king and his government, who ought to have called an assembly of the estates. In the following year the parliament would have willingly recalled this declaration, when the king at length, compelled by the unanimous voice of public opinion and incessantly importuned by the parliament, declared in December 1787, that he would rather once for all call together the estates-general with a view to effect a radical cure, than continue to carry on incessant wars with the parliament respecting the imposition of the necessary taxes. With the apparent sacrifice of an usurped right, the parliament retorted the accusation of an unconstitutional interference with the imposition of taxes on the king and his ministers. It declared, that it had hitherto only registered the ordinances for the imposition of taxes, because it had participated in the usurpation of the government; that *that however had been altogether unjust, because no one, except the estates or representatives of the nation, had any right to sanction the levying of taxes upon the people.* This declaration was the signal for the most vehement debates, which continued to be carried on during the whole of the month of July in the midst of the tumultuous clamours of the Parisians. During the whole of this month the people daily collected in noisy assemblies around the place where

the parliament held its sittings, and received the distinguished orators who spoke in favour of freedom, especially Duport and D'Epresmenil, with shouts of acclamation, whilst they openly showed their scorn and contempt for their opponents. We do not undertake to determine whether Adrian Duport, who contributed considerable sums of money for putting arms into the hands of the people in 1789, when D'Epresmenil had become a passionate defender of the old *régime*, distributed money in conjunction with the friends of the duke of Orleans, in order to secure the services of a set of daring and resolute men among the multitude. From July 1787, the tumultuous assemblies of the people in all cases of disturbance began to be more completely organized, just in proportion as the police and the government became disorganized. The parliamentary addresses of the month of July were all conceived in the same spirit which Ferrand, Lepelletier de St. Fargeau, Herault de Sechelles and others, who were most conspicuous as councillors of parliament, afterwards exhibited in their speeches as jacobins.

In the commencement of the ensuing month, the archbishop, who had just then exchanged the see of Toulouse for that of Sens, first resolved on the adoption of a measure which had been so often resorted to during the reign of Louis XV. He determined to have recourse to a solemn and silent bed of justice in order to secure the registration of those decrees which were refused, after parliament, according to accustomed usage, had thrice returned representations and protests to the demands for registration, which were as often made on the part of the crown. From this time, the parliament, surrounded and protected by the clamorous and resolute populace, formed a dreadful opposition to the government in Paris. Before it was summoned to the solemn sitting at Versailles, held on the 6th of August, the peers had been frequently called to take part in its deliberations, the young councillors of parliament had given rise to scenes of tumultuary violence, and many even of the peers indulged in revolutionary speeches. It was therefore foreseen that resistance would be made to the royal commands issued by the king in person in Versailles. The parliament were indeed obliged to witness in silence the recording of the ordinance, but they had scarcely returned to Paris on the next day, when its members began to go greater lengths in the declaration of their opinions than they had ever previously done. The assembly no



longer confined itself to the mere language of protest, but declared that all that had occurred in Versailles was null and void, and despatched this annulling resolution (*arrêt*) to all their subordinate tribunals, which was as much as to require them to disregard and disobey the royal commands with regard to these taxes. On this occasion the parliament expressed itself completely both in the language and in the spirit of the subsequent national assembly. The expression of opinion set forth by its members was contained in a copious paper which was published, and in which the reasons of its resistance to the royal decrees were given at length. In this document the parliament appealed to the ancient rights of the French people, and once again, and this time with a firm determination, demanded the calling together of the estates of the kingdom.

Whilst the parliament thus formally proclaimed the universal feeling in favour of reform, which, under such circumstances, must necessarily become a revolution,—whilst all order in Paris was at an end, no one who was suspected of belonging to the police durst show himself in the city, and the people exercised tumultuary justice, the court exhibited an incomprehensible want of dignity. The most untimely concessions were made, the most foolish fears and contemptible weakness displayed; and every means were adopted to persuade the parliament and the people that the court would at length adopt and practise principles of economy. Calonne indeed may have well deserved to have been summoned before the tribunals of justice on account of his administration, but the king ought not at that time to have offered him up a sacrifice to the indignation of the parliament. On the 10th of August the parliament commenced a prosecution against Calonne, which the king removed from its tribunal to the council of state; but so little confidence could the accused place in the firmness of the sovereign, that he thought it advisable to take refuge in London. About the same time (the 9th of August), by the concession of the archbishop, the king and the court proved that they could only be induced to withdraw those great sums of money from courtiers and idlers, for which they rendered either no services at all, or such as were hurtful, by the clamours and violent demonstrations of the people, and not by peaceful petitions, by a sense of the necessities of the people, or rational conviction. On the 9th of August, Louis XVI. published the delusive ordinance with respect to the royal palaces

and castles, to which reference has been already made, but which was never carried into execution\*, and another decree relating to the superfluous attendants at court and the useless pomp and luxury of his households. We may form some opinion of the description of persons with whom the defenders of the rights of the people had to do, from the anecdote which is related by the Swiss courtier Bezenval with respect to the duc de Coigny. He relates, that on one occasion the duke went to the king in a tremendous passion, and poured out the most bitter reproaches against his sovereign, because, he said, he had understood that the king proposed to diminish his income in order to lessen the burthens of the people; and proceeded in such a strain of insolence, that it led to a scene of formal and mutual abuse. The same Bezenval calls it *goodness* on the part of the king, that he should have afterwards said, that both of them had been in a great passion, but that he believed he would have pardoned the duc de Coigny if he had struck him; which was indeed very nearly having taken place. Bezenval finds no words sufficient to express the magnanimity and noble feeling of Polignac for not having prepared a similar scene for the queen. What could be done with such a king and such courtiers, with men who were as insolent as Coigny and thought like Bezenval?

Brienne had now become prime minister, and when he found that the parliament would not yield, and that for six weeks the whole of the approaches and passages to the palace of justice were filled with thousands of the people, who greeted with loud rejoicings the most vehement decrees, and clamorously applauded the most violent speakers against the king and the court, he at length resolved to send the whole body of parliament to a smaller and quieter place, instead of, as heretofore, arresting or banishing some individual members. It was supposed with justice, that the members of parliament would prove unable to do without Paris. Under the reign of Louis XV., the royal letters (*lettres de cachet*) were usually conveyed by the household troops; this expensive corps however had been abolished by count St. Germain immediately after the accession of Louis XVI.,

\* By an ordinance of the 9th of August 1787, the king declares, that with a view to the easement of the pressure upon the treasury, certain reforms should be immediately made *dans ses maisons civiles et militaires*, and that the castles of Choisy, la Muette, Madrid, Vincennes and Blois, together with all the royal houses in the city, should be sold without reserve. The castles however remained, and the whole affair was a mere empty puff.

and on this occasion the French guards were employed, an officer of which was sent to each of the councillors of parliament on the night between the 14th and 15th of August, with orders to accompany him to Troyes, whither the parliament was banished. On this occasion there was abundant evidence, that all the courts in the country fully participated in the wishes expressed by the parliament in favour of a radical reform. All the inferior tribunals immediately sent deputations to parliament, and did not hesitate to express their joy at the courageous resistance which had been offered by its members to the domination of the court, announced their full acquiescence in the justice of all those principles which had been promulgated by the supreme court on the subject of taxation, and promised closely to adhere to the cause of parliament in its struggle for their maintenance. The feelings of hatred which pervaded the whole body of the people led to the combination of the ignorant and blind masses, supported and stimulated by the council and money of the educated and rich, against the unimproveables of the court, and constituted them into a standing power against the police and the military. This was made manifest on this occasion by the conduct exhibited towards the king's brothers, who by violence caused the decrees which the parliament were unwilling to register to be recorded in the chief courts of exchequer and control, and the protests and decrees of the parliament recorded in the great chamber to be expunged.

The streets were crowded with people, when the count de Provence and the count d'Artois, surrounded by their guards, proceeded to effect this measure of violence and force. The former of those princes was cunning enough to proclaim himself to be a friend of the people, and was consequently received with friendship and respect; whilst the count d'Artois was hooted and hissed, and received with such a degree of vulgar insolence, that the Swiss and French guards who were left in the courts of the building, and were unacquainted with the cause of the tumult in the interior of the edifice, stood to their arms. The chevalier de Crussol, commander of the prince's guards, ordered the men, who formed a passage, to shoulder their loaded arms. The chambers of exchequer and control moreover protested against this exercise of violence, immediately after its perpetration, and in their protest importunately urged the necessity for summoning an assembly of the estates. The parliament con-

tinued for two months longer to spend their time in fêtes and amusements in Troyes, because they had no business to occupy their attention; but the presidents and elder councillors, who did not fully sympathise with the younger in their ardent love of freedom, were in the meantime secretly negotiating with the minister. The government was anxious to satisfy the parliament, because by its absence the whole course of judicial administration was either obstructed or brought to a pause; for although both the Châtelet in Paris and the parliament in Troyes held regular daily sittings, neither advocates nor litigants presented themselves to the court. Paris exhibited all the appearance of a city in a state of rebellion, and it was only necessary to mark out a man as a spy of the police by chalking an M upon his coat, to expose him to the abuses and insults of the people, and the numerous patrols which perambulated the streets were useless. Even the queen considered it advisable not to drive through the city.

The aged councillors of parliament in Troyes had now concluded an agreement with the minister (20th September), whose articles however were kept secret from the younger members of the court. According to these articles, the parliament was to have the honour of the peace, the prime minister the advantage, and the people the loss. On the 21st of September the parliament was permitted to return, and as the conditions of the peace were kept secret, it was received with indescribable rejoicing by the people, and regarded as the conqueror. The conditions of the agreement were no sooner promulgated, and the parliament in the following year exhibited so great an anxiety to prevent the meeting of the assembly which it had previously demanded, or to render its meetings ineffective, than the people became certain, no new order of things, such as every well-educated man desired, was to be expected either from the parliament or the ministry, but at most some modifications of the old and irreparable *régime*. The whole distinction of parliament therefore had disappeared at the close of the year 1788. At first, from want of an assembly of the estates, the parliament was the only organ of the people; for it alone, of all the corporations of the kingdom, was entitled to originate and encourage legal opposition to the government and to become the channel of the demonstration of the popular will, without exposing itself to the charge of rebellion. In order however not to lose the favour of the people, the old jurists had



been very careful in the wording of their concessions to the government, and, ostensibly at least, had sacrificed nothing; when therefore, eight weeks after the return of the court, the minister began to hope for some of the fruits of the agreement, and calculated upon the aged councillors being able to make good the secret conditions of their recall, the younger members of the court were already in a condition to frustrate all his designs.

The precise terms of the agreement between the presidents and old councillors of parliament and the government was a secret confined to a very small number, and such it has remained, because the old gentlemen were not permitted to promulgate them. They had promised to effect the consent of parliament to progressive and increasing loans, amounting to 440,000,000 of livres, on condition however that the second twentieth, as it was called, should be limited to the term of five years, and extend to lands hitherto exempt from taxation, and even to the domain lands of the crown. Other parliaments, as those of Bordeaux and Grenoble, made no concessions even in appearance. Malesherbes, who had formerly raised the most powerful voice in parliament against the government in the time of Louis XV., and who in the commencement of the new reign had been in the ministry with Turgot, declared to the king, on being invited to join the government again at the end of the year, that the present movement was wholly different from all previous parliamentary tumults\*. The parliamentary vacation moreover furnished the minister with an opportunity of so taking his measures for the announcement of the successive loan of 440,000,000 livres, that the presidents and the old councillors, with their friends, with whom the minister had made an arrangement, were able to outvote their opponents. In order to facilitate the accomplishment of their wishes, the proposition was debated in what was called a *royal sitting*, in which opinions might be delivered in the presence of the king, which was not

\* Among other things he said to the king, "Que la résistance opposée dans cette occasion à l'enregistrement des édits avoit présenté un caractère bien différent de toutes les affaires que le gouvernement a eu à traiter avec les parlemens *depuis la mort de Louis XIV.* Dans toutes les autres, c'étoit le parlement qui échauffoit le public, ici c'est le public qui échauffe le parlement. *Il n'est pas question d'apaiser une crise momentanée, mais d'éteindre une étincelle qui peut produire un grand incendie.*" The people however to whom he spoke are universally deaf; they hear indeed well enough, but they do not heed what they hear.

the case in a bed of justice, but where at the same time feelings of respect for the king and the court prevented everything approaching to free deliberation and voting.

On this occasion, moreover, the government designed in some measure to surprise this assembly, by causing the question of the loan proposed by the minister, and which was to be distributed over four years, to be submitted to the parliament. At eleven o'clock in the morning of the 19th of November 1787, the king, accompanied by the court and the princes, presented himself almost unexpectedly in the parliament, which had only very shortly before received any intimation of the determination of the king, and very many of the councillors were wholly uninformed of the matter. Lamoignon, the bearer of the great seal, was obliged to deliver the usual sophistical friendly address, and the prime minister had also added to his demand for money two proposals, which had been long eagerly desired by the liberal party. These however were unfortunately of such a kind, that the one was calculated to displease the whole of the privileged classes, and the other was sure to meet with the opposition of the fanatics and jesuits, whose number in parliament was very great. In the presence and in the name of the king, Lamoignon first announced that, after the expiration of the four years appointed for raising the loan (therefore in 1792), a general assembly of the estates was to be called, so that in the then prevailing state of public opinion the way was opened up by the king himself to a nearly approaching revolution. The second liberal measure was the abolition of the still-existing severe penal laws against the French protestants, which were often carried into execution by the fanatics, many of whom were councillors of parliament,—the announcement of a general toleration, and the recall of many professors of the reformed religion who had been exiled from their country by the repeal of the edict of Nantes. As far as regards the announcement of a general assembly of the estates and the liberal measures which were proposed, the French minister perversely believed that he was able, by a declaration, to destroy with the one hand what he granted by the promise of calling of the estates with the other. On this occasion he fell into the same error of which the English ministry had been guilty in reference to North America, when it abolished the *stamp-duty* with a *reserve*; that is, he deeply offended the one party, and at the same time gave no satisfaction to the other.

On this occasion, the minister of justice, in his speech, announced anew the theory of the unlimited power of the king, *jure divino*, which had led to such disputes and met with universal resistance in 1766 under Louis XV., and appealed for confirmation of the claim to an unacknowledged decree of parliament of March 1756. He alleged that the king possessed absolute power in his kingdom, for the proper exercise of which he was responsible to God alone; that as the chief and head of the nation he was, so to speak, the nation itself; and that the whole of the legislative power belonged to the monarch alone, without respect to the wishes or voice of the people; that the calling or not calling an assembly of the estates, which could perform no other function than that of merely tendering advice, depended wholly upon the *absolute* will of the sovereign, and attention to any other petitions of the nation could only be the result of his *goodness*. This jurist moreover had first recourse to these despotic phrases, when he perceived that his scheme was about to fail of success. Although the king had already given permission to the councillors of parliament openly to express their opinions in his presence, and to be called upon by name to record their votes upon the measures submitted for their deliberation, yet the minister no sooner perceived the probable rejection of the measure from the commencement of the voting than he wished to put an end to the proceeding, because he was afraid of the result. He proposed to collect the votes privately, in order to be able to make the *yeas* or the *nays* greater or less according to his discretion. He pretended to justify this miserable subterfuge by appealing to the express commands of the king, whom he declared to be above the law, and entitled to prescribe to the nation whatever what might appear to him right or be suggested by his minister.

Relying upon the authority of the sovereign, the minister proceeded to collect the votes of the councillors secretly; and after having gone through this form, he then commanded the secretaries of the court to record the edicts, as if the votes had been taken and the result declared by the presidents according to the usual form. This course was pursued in order to avoid the necessity of recording that the edicts were registered upon the *express command of the king*, which would have rendered the record null, or at least have shown that the resolution was not the result of free parliamentary deliberation. The duke of

Orleans availed himself of this opportunity, or, more properly, he was used on this occasion, in the character of head of the collateral line, to give support to the opponents of the ruling branch of the house of Bourbon. This duke of Orleans was the same person who was afterwards known by the name of Philip Egalité, and voted in the convention for the murder of the king. As duke of Chartres he had rendered himself notorious by a low and dissipated course of life, of which he furnished unequivocal evidence in his pimpled face, as well as by his cowardice at Ushant. The latter accusation has been denied by others; certain it is however that he was remarkable for mean avarice and inordinate covetousness, and to his disgrace allowed parts of his palace (Palais Royal) to be let for the most discreditable uses, in order to derive a larger income from his estate\*. This prince, sunk in sensuality and steeped in vice, was an object of aversion and loathing to all persons of pure and noble feelings, from the pure mind of the queen and that of her religious husband to that of the gallant Lafayette, who was a visionary friend of philanthropy,—to the friends of Utopian freedom,—to St. Just, Madame Roland, and her husband. On the other hand, he was called the friend of the people, the man of freedom, and an admirable companion by all the dissolute and the profane,—by all those who preferred enjoyment and the appearance of virtue to truth,—from Mirabeau, Sillery, Chauderlos de la Close, and madame de Genlis, to Santerre the rich brewer, and Matador of the Chaussée d'Antoine, and even to the most audacious and shameless of those who were afterwards called *Cordeliers*, who had made his acquaintance in the wine-houses and other places of resort for the scum of the population of Paris. His attendants and followers consisted of the most cunning and energetic, or, as we would now say, the most genuine practical men of the revolu-

\* On this point Bezenval is quite in his element; he had studied and was thoroughly conversant with the subject, and we therefore subjoin the description which he has given of the duke, which is as striking as it is brief, ‘Mémoires du Baron de Bézenval,’ vol. iii. pp. 307, 308:—“Le comte de Pons-Saint-Maurice a donné tout le soin possible à son éducation; et lorsqu’il sortit de ses mains la manière d’être de ce prince répondoit à sa figure. Bientôt les filles, l’anglomanie, la table, en firent un être d’autant plus étrange, que les traces d’une généreuse éducation se confondirent avec les vices qu’il avoit acquis et qu’il en résulte nécessairement un composé de tous les contraires. Il est crapuleux sans grossièreté, prodigue et mesquin, haut et familier, facile et dangereux. Il a de l’aptitude à tout et ne peut s’appliquer à rien. Par libertinage d’imagination, il vise à l’indépendance, déteste le peuple et le courtise, recherche une fausse gloire, et touche au mépris.”



tion, who were above all the ordinary restraints of morality, and who afterwards used him as their tool. His friends and adherents persuaded him, on the 19th of November, to lay the foundation of the building which was not completed till 1830. He was regarded by the French as the founder of a new age, the morning-star of a glorious day, because he did not hesitate to treat the opinion of all Europe with contempt, and to pursue a course of conduct as reckless as it was contemptible. Great pains were taken to induce him so far to get the better of his natural cowardice, which led some of his most powerful adherents afterwards to forsake him, as to venture in a public assembly to violate all the laws of court etiquette, and to address an impertinent question to the king, in order to encourage and confirm the parliament in its opposition. "*May I take the liberty* (he said, addressing himself to the king), *to inquire of your majesty whether this is a bed of justice?*" Instead of commanding him to silence or ordering him to leave the assembly, the king exhibited weakness and pusillanimity, and replied by giving the equivocal answer, "*No! it is a royal sitting.*" The king's embarrassment and difficulty encouraged the duke; he proceeded to declare that the decrees which had been recorded were contrary to law, and begged, in order to exculpate those who might otherwise be supposed to have taken part, that the words "*upon the express command of the king as in a bed of justice*" might be added to the record. The insignificant answer which the king returned is the best proof that he was not equal to the difficult circumstances in which he was placed, and destitute of all presence of mind. He replied, "*the registration is legal, because I have first heard the counsel of the members of parliament.*"

The audacity of the duke of Orleans produced a commotion in the assembly, which struck the king with astonishment, who had been hitherto accustomed to silence and the highest degree of respect in such assemblies. When he arose to take his departure from the excited assembly, he committed another oversight in neglecting to command the meeting to be dissolved. Had the king taken this step, the parliament would not have ventured to prolong its sittings in opposition to his express command, as the national assembly afterwards did. The court and the princes accompanied the king to Versailles, with the exception of the dukes of Orleans and Bourbon, who returned to the

assembly after having escorted the king to his carriage ; and the meeting then assumed a tumultuary character. Even the older councillors, who had previously assented to the loan, now recalled their approval of the measure. Many of the younger councillors, who, as their future repentance proved, knew not what they did, spoke in the most bitter and vehement terms against the conduct of the queen. The applause with which they were received worked upon their vanity and led them astray ; they were delighted that for the moment their vehement declamation was regarded as eloquence, which in reality it was not. The most prominent of these orators were, Duval d'Épresmenil, Fréteau, the abbé Sabatier de Cabre, and Robert de St. Vincent, the two last-mentioned of whom were men highly esteemed, as was also shown in the prosecution against Rohan, which was the cause of so much mischief, in which the cardinal was acquitted, and the conduct of the queen placed in a most unenviable point of view. After these violent speeches, the parliament was not satisfied with merely entering protests, as had been done on former occasions ; but it was expressly recorded in their minutes, that what had been registered as a resolution of parliament was not so, that the record had been made in violation of law, and that parliament would not guarantee the progressive loan.

The parliament knew that the minister of finance was in need of money, which he could not obtain without its sanction and concurrence, and no attention was paid to the fact, that the king had caused the minutes of the last sitting to be brought to him to Versailles, and all that was recorded after his withdrawal from the assembly to be erased. The king immediately afterwards furnished a pretence for complaining against his arbitrary interference with the free exercise of opinion of the members of the supreme court of justice, who thought themselves as sovereign in the exercise of their authority as the king himself. The duke of Orleans was directed to retire to his castle at Villers Coterets. This banishment would have become of importance for himself and his cause, had he not felt himself so unhappy in his removal from the pleasures of the capital as to have recourse to the most miserable and humiliating means to be again allowed to return to the city. Sabatier was also arbitrarily arrested on account of his speech in a free court and sent to Mont St. Michel, one of the most dreadful among the state prisons of France ; and Fréteau was

incarcerated in the fortress of Doullens. The whole of the parliaments in the kingdom now adopted the cause of the duke and the councillors, because the privileges of parliament had been violated in their persons, and their arrest led to violent commotions throughout the whole kingdom. The parliament of Paris insisted upon the immediate release of its members, and even ventured to interfere in the case of the duke of Orleans, which was properly only an affair between the head of the house of Bourbon and one of the members of the family, and which therefore could only be treated by the supreme court if the duke had applied to parliament for protection. Besides, the representation of the parliament in the case of the duke was drawn up in a tone in which a judicial tribunal should not have indulged towards their king. The parliament however looked upon itself as the representative of the people, which in reality it was not, and relied upon the support of the people when it ventured to say to the king,—“Sire, if the duke of Orleans is deserving of punishment, so are all the councillors of parliament likewise.” The parliament afterwards besought the king “to banish from his memory all recollection of a course of conduct whose continuance would eventually lead to the destruction of all laws, the degradation of the tribunals, and give a triumph to the enemies of the French name.” On this occasion also, Louis and his ministers, by their hesitation and passing from one extreme to another, gave the clearest proofs of their total incapacity to guide the vessel of the state in a storm. This weakness and hesitation were the causes of all the mischiefs of the revolution, and particularly of the unhappy fate of the king, because the men who had infused a new existence into the nation from the year 1789 knew well that such a king, even with the best intentions, could never fulfil any of his promises, or even observe any of his oaths. In April 1788, in order to please the parliament, he allowed the duke of Orleans to return to Paris, and released the two councillors who were in prison; and yet almost at the same time, or at least in less than four weeks afterwards, this weak prince and his minister, who was only stronger than his master in secret cabals, wished to dissolve the whole parliament. Louis XVI. and Loménie de Brienne thought themselves able to carry through a measure which would more effectually destroy the power of parliament than anything which had been previously attempted or accomplished by Maupeou. A king, who

was reduced to extremities in his finances, wished to create a new body which would entirely supersede the necessity both of parliament and the estates,—a course which even Louis XIV. would not have ventured to pursue.

The movement throughout the whole of France soon reached such an extent, that the parliaments, and particularly those of Paris and Bordeaux, the latter of which was banished to Libourne, presented a bold front in opposition to the royal power. About the same time, the estates, in those provinces which enjoyed that privilege, began to threaten; the parliament of Grenoble, in April 1788, announced that they could again sever the dauphinate from the French crown; in Brittany the nobles, citizens and parliaments were in a state of war, the treasury was exhausted, and its directors knew of no means to replenish its coffers, because the parliament refused to sanction a loan. In this state of embarrassment and danger the king had one-while recourse to liberal measures, and immediately afterwards resorted to the most absolute despotism, not in deed but in word, which was still worse. On the 18th of December 1787 a royal proclamation was issued, in which it was stated, that within five years the general estates of the kingdom should be assembled, which the keeper of the great seal had promised a month before. If we may put faith in a letter of the archbishop of Sens to his colleague Narbonne, the minister of finance never for a moment entertained any serious design of fulfilling this promise, but merely used the name of the king in this scandalous manner officially to deceive the people.

The dispute between the court and the parliament of Paris continued to be carried on with unabated virulence, and after a violent debate on the 4th of January 1788, the parliament published a resolution, in which *lettres de cachet* were declared to be unconstitutional and illegal, and pronounced its dissent from, and disapproval of, all those arbitrary measures which the government had exercised for centuries, as if they were founded in justice and law. The parliament again demanded the liberation of the two councillors, not as a matter of favour on the part of the crown, but as a matter of right. The king, it is true, annulled this decree on the 17th, but the parliament immediately renewed it on the following day, the 18th of January 1788. According to Bezenval's account, Lamoignon, who was a jurist, had, by means of intrigues, worked his way into the office of minister of



justice after the removal of Calonne, and was the person who, during the course of the years 1787 and 1788, led the unfortunate king into the delivery and publication of all those contradictory speeches and actions, which, as early as July 1788, had made the revolution unavoidable. According to the same authority, Lamoignon, in February 1787, again led the weak king to fall back upon Maupeou's project. He proposed to make the parliaments innoxious, and for that purpose devised a plan which was totally different from that which had been previously executed by Maupeou, which in March he confidentially imparted to persons who were to recommend it to the queen, who unhappily mixed herself up in all public affairs. The very same persons who in this manner were engaged in concerting a most unconstitutional and unexampled *coup d'état*, and who laboured to induce the king to act with energy, counselled him to adopt an apparent spirit of concession to the repeated, importunate and threatening petitions which had been presented since the month of December in favour of the return of the duke of Orleans to the capital and his complete enlargement. It has been already observed, that this event really took place on the 17th of April. On this occasion also, as well as on that of the proclamation of the estates on the 19th of November, the opportunity was taken to set forth the autocracy of the king, by which his minister might be able to justify every future instance of arbitrary dominion. The parliament could not possibly pass over this attempt in silence, especially because the plan projected by the keeper of the seals for the annihilation of the political power of the parliaments had partially reached their ears, though they were unacquainted with its details. The knowledge of the scheme could not be kept completely secret, because it had been talked of since March in the circle of the queen's friends.

The declaration which was put into the mouth of the king on the 17th of April was to the following purport:—that France was an absolute monarchy; that the will of the king, whose power was derived from God alone, was the sole law; that the estates were merely counsellors, and the courts interpreters and executors of the royal will. This declaration was conceived completely in the spirit of the government of Louis XV., and the declaration was of similar import with that which had been issued as a preliminary to the propositions connected with the loan and the promise of calling a general assembly of the estates.

The parliament immediately published counter-statements to this declaration, in which a theory of the constitutional relations of the ancient French monarchy, which was at that time quite new in France, was philosophically, historically and legally presented, and couched much more in a democratic than aristocratic tone. This document was discussed by the parliament from the 18th till the 27th of April, and finally agreed to and transmitted to the king on the 4th of May. It is one of the most remarkable documents which ever proceeded from the parliament, and furnishes the most obvious proofs that the system of government which had subsisted since the time of Richelieu was now completely obsolete and inefficient. The document itself is too long to admit of being incorporated in these pages, but we shall refer our readers in a note\* to a book in which it will be found word for word, according to a copy made by Malesherbes from the document itself. We shall allow ourselves to select merely two passages: the one refers to the accusation against the parliaments of wishing to set up an aristocracy of judicial tribunals instead of the monarchy; and the second, in its conclusion, relates to the violent changes and the loss of political rights with which the parliaments were at that time threatened.

As early as April 1788, the revolution was actually and obviously at hand, and in the following months it was proclaimed throughout the whole of Europe, on the occasion of the successful resistance which was offered to the proposed alteration of the constitution of the parliaments, which was proved by the violent expulsion of the prime minister and the keeper of the seals from their respective offices, in consequence of continuous popular commotions. For this reason, the tone which the parliament adopted in this paper, and the contents of the article touching the constitution, are particularly important. Before noticing the origin of the severe military despotism to which the kingdom had been

\* There exists, as is well known, a great compilation of party documents prepared in Paris under the name of 'Montgaillard,' in 14 parts, which however has nothing in common with Montgaillard. The compilation of the *first ten parts* was made under the Restoration by the party of the present king; hence it happens, that although abuse is thrown right and left, Orleans always escapes free. Its compilers have given to this work the title, 'Histoire de France depuis la Fin du Règne de Louis XVI.' (a title which it by no means deserves). We know however that the compilers were well-assisted and supported, and hence many important documents are to be found in this collection which will be sought elsewhere in vain. In vol. i. pp. 393-402, these *remonstrances* will be found *in extenso*.

subjected from the time of Louis XIV., and showing that ever since the accession of the present king the course of departure from the path of justice and law had been more and more pursued, the parliament says to the king:—"The conduct of ambitious ministers is always the same; they continually endeavour to increase their own power under the name of supporting the prerogatives of the crown; such is their object, and the means which they employ consists in calumniating those to whom the preservation of the rights of the nation and of individuals is entrusted. True to this ancient and unholy method, they allege of us, the members of the parliament of Paris, that we have conceived the absurd plan of erecting an aristocracy of parliaments in France. What a time have they chosen to bring these accusations against us! Precisely the very moment when parliament, instructed by facts in a better course, has wholly withdrawn from the presumption of being able either to consent to or refuse the imposition of taxes upon the people, and when we have thus given public proofs that we are disposed to struggle more zealously for the rights of the people than for the privileges to which, as a corporation, we have hitherto laid claim."

This passage, which contains a renunciation of the whole course of legislation and taxation which had been pursued since the reign of Henry IV., is followed by historical proofs; and finally it proceeds, in reference to the accusation brought against the parliament:—

"What new fervour of zeal for the public service has now seized the ministry? The ministers by no means disputed our powers, or failed to do justice to our pretensions, as long as they entertained a hope of being able to use these powers for the oppression of the people by taxes and loans; but we no sooner refuse to sanction their despotism or to take part in their tyranny, than they rail at us as ambitious aristocrats.

"Nay, sire, there shall be no aristocracy in France, but neither shall there be a despotism. This is the will of the constitution, the wish of the parliament, and can alone secure the safety and well-being of your majesty. Were we for a moment to acknowledge the validity of those principles which have been put into the mouth of your majesty, and to allow that the will of the king was to be regarded as the supreme and ultimate rule in all affairs of legislation and administration of justice, it is easy to foresee the consequences which would be the immediate result.

“The inheritance of the crown is fixed by a fundamental law ; the nation has its rights ; the peers also have theirs. The judges cannot be removed ; every province has its customs which have the force of law, and there exists between it and the crown an agreement which contains the conditions on which they form an integral part of France. Every subject of the kingdom has his natural judges ; every citizen possesses his individual property ; and if he possesses none, he is at least master of himself. And now we ask, which of all these rights, what law in the world would be safe, if the claims which the ministers of your majesty have made in your name could be made valid or were recognised ?

“In that case the sole will of the king would be the only law, and legislators must derive their instructions from him alone. In that case, the will of the king, by its mere expression, could dispose of the crown itself, choose his own heirs, cede the provinces of the kingdom, deprive the estates of their privileges, impose new taxes, and confirm the old ; the will of the king could alter the peerage, make the judges removeable at pleasure, abolish hereditary succession, overthrow the hierarchy of law and justice, assume all the powers of the judicial tribunals, and decide according to an arbitrary discretion, or select the judges in all cases both of civil and criminal jurisdiction ; finally, the will of the king could declare him to be proprietor and lord both of the fortunes and freedom and lives of the people.”

In the following pages the correctness of this theory of legal and constitutional freedom, as claimed and maintained by the parliament in opposition to the pretensions of the king and his ministers, and as virtually belonging to the French nation and people, is illustrated and confirmed by a series of historical proofs and references to the nature of existing institutions. Everything which the assembly of the estates afterwards demanded may be easily justified from the principles contained in this document. We pass over all the other parts, in order to quote the declaration made by the parliament at the conclusion of the paper in reference to the hostile measure against the parliament, which had already been resolved upon (4th May). The royal proclamation for the dissolution of the parliament and the institution of the *cour plénière* was at that very moment fully prepared and secretly printed at the royal press, in order that it might suddenly be sent into the provinces and take the parlia-



ments and people by surprise. This circumstance gives especial weight and importance to the concluding words of their remonstrance :—

“ But, sire, if your parliament may be allowed to give expression to their feelings, can it be possible that the destruction of parliaments is really aimed at? would such a proceeding be just,—would it be prudent? Is it possible that your ministers can have conceived or entertained such a project? That is certainly not the intention of your majesty, nor could it be for your advantage. As to your parliament, its principles, or rather those of the constitution of the realm, which it is bound to protect and defend, are unchangeable, and it is not in the power of its members to alter their conduct. Sometimes those who are bound to defend the laws must sacrifice themselves for their maintenance; their honourable and dangerous resolution however is, that they must cease to exist before the nation can cease to be *free*.”

With respect to the edicts directed against the parliament; the ministers, even if they had been capable of comprehending the altered circumstances of the state in the tone of this address, or of accommodating themselves to the demands of the time, were by far too late at the time in which this document was approved in parliament, and still more when it was put into the hands of the king on the 4th of May, to be able to withdraw from the course on which they had entered. Considered apart from the circumstances of the times, and without respect to the political rights of the parliament, which still enjoyed a certain description of independence, although it was not so complete as might have been desired, and which were now to be transferred to a court to be newly erected, wholly dependent upon and to be presided over by the king, the six or seven edicts which were afterwards published, but never carried into effect, no doubt contained the elements of some improvements in the administration of justice; but no one thought for a moment of this; the whole public attention was fixed upon the fact of an attempt on the part of a powerless government to destroy for ever the only free organ of opposition to its despotism. This conviction suddenly penetrated and pervaded the whole nation; all the parliaments resisted and all the estates protested. For five months the people continued in close connexion with the parliament, only to separate from it for ever at the close of the year. We are of opinion that the revolution of 1789 dates its commencement from the

edicts destined against the parliament by Loménie de Brienne and Lamoignon, in the same way as occasion was given for the recent French revolution by the ordinances of July 1830, although in both cases the causes had been long previously in existence. It seems to us that the history of the disputes concerning these edicts is also inseparable from the history of the year 1789, and we shall only here, in conclusion, briefly indicate the substance of the three most remarkable of these edicts.

The three edicts, which, together with some others, were brought into parliament on the 8th of May, had been secretly seen by the parliament of Paris three days before; they had succeeded in obtaining a copy of their contents, and, in combination with the other parliaments, had taken means to frustrate their success. These edicts related to the establishment of a new court, to be called the *cour plénière*, which was in future to exercise all the political rights of the parliaments. We shall mention in a note\* the persons of whom this court was to consist, and it will be obvious at the first glance what would have been the fate of France if an assembly so constituted had ever been entrusted with the power and right of imposing taxes and placing restrictions upon the freedom and rights of the citizens. The parliament took advantage of this unheard-of measure to issue a declaration founded upon the paper of the 27th of April, to which reference has been already made, which was circulated in thousands of copies before the publication of the edict, and which defended the fundamental laws of the old French constitution against monarchical usurpations. This declaration is conceived in the same tone and of similar contents as that of the English parliament (the petition of rights) in the time of Charles I., in which the king was required with threats solemnly to acknowledge the constitutional rights of the people of England. The declaration also had precisely the same effect as that of the English parliament,—it caused a revolution, which led to the complete destruction of the whole of the old constitution in the

\* The following high personages and dignitaries were named as members of the *cour plénière*, which was indeed still-born:—"Le roi, le chancelier, ou en l'absence de celui-ci le garde des scéaux, les présidens du parlement de Paris, les princes du sang, le grand aumônier et les autres grands officiers de la couronne, les pairs, deux archevêques, deux maréchaux de France, deux commandans de province, deux lieutenans, en outre quatre *personnes qualifiées*, un certain nombre de conseillers d'état et de maîtres des requêtes, un député de chaque province; et quand un grand nombre de magistrats se trouveroit absetn, ils seroient remplacés par des magistrats du conseil."

following year, after the three edicts, which had united the parliaments and people against the king, had already disappeared in August 1788.

The second of these edicts, by providing for the erection of new judicial tribunals in different towns and districts (*grands baillages*), lessened the jurisdiction and circuits of the parliaments; this was particularly the case with the previously excessive jurisdiction of the parliament of Paris, the extent of whose powers and the number of causes for whose decision was so greatly decreased, that the number of its inferior courts, as well as officers and advocates, were reduced to a proportionally insignificant number. The new royal inferior courts, to be called *Présidials*, were to form courts of first instance, and the superior courts (the *grands baillages*) to constitute courts of appeal in all criminal causes, and in civil processes which affected property above a certain amount. The decision of criminal cases affecting the privileged classes, and the determination of civil processes above a certain fixed amount, were alone reserved for the parliaments, even within the circuit of their limited jurisdiction. The third edict was a natural consequence of the two preceding ones; it provided for the diminution of the number of councillors of parliament, and therefore also in this way contributed to diminish the importance which parliament had hitherto enjoyed. Its importance must have wholly vanished even without this, if peers and some select individuals alone sat in the *cour plénière*, whereas formerly the peers and the princes formed only a small addition to the whole body of the parliament. Let men argue and sophisticate as they will, this was an attack upon the first and essential rights of the whole body of the French people. The tribunals of justice were thereby made dependent on the crown; and the diminution of the existing number of members of parliament, notwithstanding the cogent reasons which may be adduced in favour of the measure, was still a degradation of the councillors, who had become superfluous and were dismissed from their dignity and functions.

END OF VOL. V.





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